

MONTANA LEGISLATIVE HISTORY

Chapter 658 19 87

Bill H 39 S _____ Original bill & history ☒ c

H. Committee on Education & Cultural Resources

Hearing Date(s) 1-16 _____ c

1-19 _____ c

1-23 _____ c

1-26 _____ c

Date Out

2-2; 2-9 _____ c

2-10 _____ c

S. Committee on Education & Cultural Resources

Hearing Date(s) 3-14 _____ c

3-18 _____ c

3-23 _____ c

_____ c

Date Out

3-23

Did this bill originate in an interim committee? ☒ Yes _____ No

Committee Int. Vs. Tech / Job

Report _____

Training

HOUSE FINAL STATUS

2/13	HEARING	
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HB 39 INTRODUCED BY DONALDSON, ET AL.
 TRANSFERRING GOVERNANCE OF VO-TECHS TO BOARD OF
 REGENTS
 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON
 VO-TECHS/JOB TRAINING

1/05	INTRODUCED	
1/05	REFERRED TO EDUCATION & CULTURAL RESOURCES	
1/05	FISCAL NOTE REQUESTED	
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	RETURNED TO HOUSE WITH AMENDMENTS	
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4/15	SIGNED BY SPEAKER	
4/16	SIGNED BY PRESIDENT	

4/16	TRANSMITTED TO GOVERNOR	
4/21	RETURNED WITH GOVERNOR'S AMENDMENTS	
4/22	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	87 4
4/22	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	87 3

	TRANSMITTED TO SENATE	
4/23	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	50 0
4/23	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	47 1
4/28	SIGNED BY SPEAKER	
5/01	SIGNED BY PRESIDENT	

HOUSE FINAL STATUS

5/01 TRANSMITTED TO GOVERNOR
 5/15 SIGNED BY GOVERNOR
 CHAPTER NUMBER 658 EFFECTIVE DATE: 7/01/87

HB 40 INTRODUCED BY GLASER
 ESTABLISH A 100 PERCENT MONTANA LIMITED BLENDED GRAIN
 MARKETING PROGRAM
 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON
 AGRICULTURAL PROBLEMS

1/05 INTRODUCED
 1/05 REFERRED TO AGRICULTURE, LIVESTOCK &
 IRRIGATION
 1/05 FISCAL NOTE REQUESTED
 1/07 HEARING
 1/07 FISCAL NOTE RECEIVED
 1/10 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/13 REVISED FISCAL NOTE REQUESTED
 1/19 REVISED FISCAL NOTE RECEIVED
 1/20 2ND READING PASSED 78 17
 1/20 REREFERRED TO APPROPRIATIONS
 1/29 HEARING
 2/21 HEARING
 2/21 TABLED IN COMMITTEE

HB 41 INTRODUCED BY WINSLOW
 CREATE MATURE DEFENSIVE DRIVING ACT; REDUCE PREMIUM
 RATES OVER AGE 55

1/05 INTRODUCED
 1/05 REFERRED TO BUSINESS & LABOR
 1/07 HEARING
 1/07 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/15 2ND READING PASSED AS AMENDED 90 8
 1/17 3RD READING PASSED 92 5

TRANSMITTED TO SENATE
 1/21 REFERRED TO BUSINESS & INDUSTRY
 2/06 HEARING
 2/11 COMMITTEE REPORT--BILL CONCURRED
 2/17 2ND READING CONCURRED 50 0
 2/19 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
 2/23 SIGNED BY SPEAKER
 2/23 SIGNED BY PRESIDENT
 2/24 TRANSMITTED TO GOVERNOR
 2/25 SIGNED BY GOVERNOR
 CHAPTER NUMBER 49 EFFECTIVE DATE: 10/01/87

HB 42 INTRODUCED BY COBB
 CLARIFY LEGAL STANDARD GOVERNING LANDOWNER LIABILITY

1/05 INTRODUCED
 1/05 REFERRED TO JUDICIARY
 1/09 HEARING
 1/12 COMMITTEE REPORT--BILL PASSED AS AMENDED
 1/14 2ND READING PASSED 97 1
 1/15 3RD READING PASSED 97 1

TRANSMITTED TO SENATE
 1/21 REFERRED TO JUDICIARY

STATUS SHEET

50th LEGISLATIVE SESSION

EDUCATION

COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
23	1/5/87	1/7/87				1/7/87					
35	1/5/87	1/9/87				1/9/87					
39	1/5/87	1/16/87	2/2/87			2/9/87					
60	1/5/87	1/14/87	1/14/87	tabled							
69	1/5/87	1/21/87				1/30/87					
83	1/5/87	1/19/87	1/30/87			2/9/87					
105	1/8/87	1/19/87	1/30/87	tabled							
117	1/7/87	1/14/87		1/21/87							
118	1/8/87	1/28/87				2/13/87					
121	1/9/87	1/14/87				1/19/87					
145	1/12/87	1/21/87					1/30/87				
162	1/13/87	1/16/87		1/16/87							
174	1/13/87	1/21/87				1/21/87					
175	1/13/87	1/21/87		1/21/87							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

1 HOUSE BILL NO. 39
2 INTRODUCTION BY DONALDSON
3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
4 ON VO-TECHS/JOB TRAINING
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
7 OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
8 BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
9 VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
10 CENTERS; AMENDING SECTIONS 19-4-302, 20-1-101, 20-3-103,
11 20-3-106, 20-6-501, 20-7-301, 20-7-302.1, 20-7-303,
12 20-7-311, 20-7-312, 20-7-314, 20-7-322, 20-7-324, 20-7-325,
13 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513, 39-71-118,
14 AND 90-6-211, MCA; REPEALING SECTIONS 20-7-304, 20-7-313,
15 20-7-323, 20-7-326, 20-7-331, 20-9-404, AND 20-9-405, MCA;
16 AND PROVIDING AN EFFECTIVE DATE."
17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
19 NEW SECTION. Section 1. Powers and duties of board of
20 regents. The board of regents has general administrative and
21 supervisory control over vocational-technical center
22 education and shall:
23 (1) establish and when necessary amend a plan for the
24 orderly development of vocational-technical center education
25 that is consistent with federal and state law, controlled to

1 prevent unnecessary duplication, and funded to ensure
2 necessary growth and quality education;
3 (2) adopt standards for courses and programs;
4 (3) implement a review process for establishing and
5 deleting programs and courses that recognizes the present
6 and future needs of employers and provides qualified
7 graduates for positions for which there is or may in the
8 near future be a demand;
9 (4) establish student entrance and graduation
10 requirements;
11 (5) appoint a director, to serve at the pleasure of
12 the board, for each vocational-technical center and
13 establish minimum qualifications for faculty, directors,
14 administrative staff, and other personnel;
15 (6) appoint a commissioner of vocational-technical
16 center education, to serve at the pleasure of the board;
17 (7) establish student tuition and prescribe the bases
18 and limitations for charging of fees, taking into account
19 funding available from all other sources;
20 (8) determine the amount to be paid for the lease of
21 buildings;
22 (9) adopt budget requests for the vocational-technical
23 center education system;
24 (10) establish a procedure by which students can
25 receive part of their education and training through

1 programs, courses, and on-the-job training offered by the
2 private sector and not available at the centers;

3 (11) establish a procedure by which qualified persons
4 in the private sector can participate in the training and
5 teaching of students in the centers' classrooms when such
6 persons have training, knowledge, and skills not available
7 through the centers' faculty;

8 (12) provide means by which the centers' faculty can
9 obtain advanced education and training in new areas and
10 either be reimbursed for their expenses or raised to a
11 higher salary level, or both;

12 (13) establish for the various centers uniform policies
13 for recordkeeping; financial transactions; accounting;
14 maintenance; recruiting, guidance, and placement of
15 students; examinations; personnel relations; and other
16 matters as determined by the board;

17 (14) negotiate with the bargaining representative for
18 personnel of each center or the personnel of the center
19 system in a manner consistent with state and federal law;

20 (15) work with other institutions of higher education
21 to implement the transfer of course credits between those
22 institutions and the vocational-technical centers; and

23 (16) adopt rules and procedures to implement this
24 section and to carry out any other powers and duties of the
25 board.

1 NEW SECTION. Section 2. Sole state agency for federal
2 vocational education requirements. The board of regents is
3 the sole state agency for purposes of the 1985 federal Carl
4 D. Perkins Vocational Education Act, 44 U.S.C. 2301, et
5 seq., which requires a state participating in programs under
6 that act to designate a state board or agency as the sole
7 state agency responsible for administration or supervision
8 of the administration of those programs.

9 NEW SECTION. Section 3. Local advisory boards. The
10 board of trustees of a school district in which a
11 vocational-technical center is located shall appoint a local
12 advisory board, composed of at least five residents of the
13 county where the center is located, to act in an advisory
14 capacity to the center and the board of regents.

15 NEW SECTION. Section 4. Duties of the commissioner of
16 vocational-technical center education. The commissioner of
17 vocational-technical center education shall, under the rules
18 and policies of the board of regents:

19 (1) be the chief administrative officer for the board
20 of regents for the administration of its
21 vocational-technical center rules and policies;

22 (2) employ, within the limits of any legislative
23 appropriation and with the confirmation of the board of
24 regents, the staff necessary for the state supervision and
25 administration of the board's vocational-technical center

1 rules and policies;
2 (3) provide supervisory and consultative assistance to
3 centers;
4 (4) report the status of vocational-technical center
5 education in Montana when requested by the board of regents;
6 and
7 (5) perform any other duties assigned by the board of
8 regents.
9 NEW SECTION. Section 5. Existing center employees.
10 (1) The rights of persons employed by a vocational-technical
11 center under a collective bargaining agreement in effect
12 prior to July 1, 1989, may not be impaired.
13 (2) A person employed by a center under a school
14 district on June 30, 1989, becomes an employee of the board
15 of regents on July 1, 1989.
16 (3) Following [the effective date of this section],
17 the employees of any center may apply to the board of
18 personnel appeals for determination of the appropriate
19 bargaining unit or units for the purposes of collective
20 bargaining for a contract or contracts to be negotiated with
21 the board of regents prior to July 1, 1989.
22 (4) If a person is employed by a center in any
23 capacity on July 1, 1989, and has accumulated sick,
24 vacation, or other leave and years of service with a school
25 district, such leave and years of service shall be

1 transferred fully regardless of the length of employment
2 with the district in which the center is located.
3 Section 6. Section 19-4-302, MCA, is amended to read:
4 "19-4-302. Active membership. (1) Unless otherwise
5 provided by this chapter, the following persons must be
6 active members of the retirement system, with the exception
7 that those persons who became eligible for membership on
8 September 1, 1937, or on September 1, 1939, and who elected
9 not to become members under the provisions of the law at
10 that time are not required to be members:
11 (a) any person who is a teacher, principal, or
12 district superintendent as defined in 20-1-101;
13 (b) any person who is an administrative officer or a
14 member of the instructional or scientific staff of a unit of
15 the Montana university system or a vocational-technical
16 center;
17 (c) any person employed in an instructional services
18 capacity by the office of the superintendent of public
19 instruction, the office of a county superintendent, a
20 special education cooperative, a public institution of the
21 state of Montana, the Montana state school for the deaf and
22 blind, or a school district;
23 (d) any person who has elected not to become a member
24 of the retirement system and is reentering service in a
25 capacity prescribed by (a), (b), or (c) of this subsection

1 (1);

2 (e) any person who has elected not to become a member
3 of the retirement system, who has been continually employed
4 in a capacity prescribed by (a), (b), or (c) of this
5 subsection (1) since the time of such election, and who may
6 thereafter elect to become a member of the retirement
7 system.

8 (2) In order to be eligible for active membership, any
9 person described in subsection (1) must:

10 (a) be employed in the capacity prescribed for his
11 eligibility for at least 30 days in any fiscal year; and

12 (b) have the compensation for his creditable service
13 totally paid by an employer as defined herein.

14 (3) At any time a person's eligibility to become a
15 member of the retirement system is in doubt, the retirement
16 board shall determine his eligibility for membership. All
17 persons in similar circumstances shall be treated alike."

18 Section 7. Section 20-1-101, MCA, is amended to read:

19 "20-1-101. Definitions. As used in this title, unless
20 the context clearly indicates otherwise, the following
21 definitions apply:

22 (1) "Agricultural experiment station" means the
23 agricultural experiment station established at Montana state
24 university.

25 (2) "Average number belonging" or "ANB" shall mean the

1 average number of regularly enrolled, full-time pupils
2 attending the public schools of a district.

3 (3) "The board of public education" is the board
4 created by Article X, section 9, subsection (3), of the 1972
5 Montana constitution and 2-15-1507.

6 (4) "Board of regents" means the board of regents of
7 higher education created by Article X, section 9, subsection
8 (2), of the 1972 Montana constitution and 2-15-1505.

9 (5) "Commissioner" means the commissioner of higher
10 education created by Article X, section 9, subsection (2),
11 of the 1972 Montana constitution and 2-15-1506.

12 (6) "County superintendent" means the county
13 government official who is the school officer of the county.

14 (7) "District superintendent" means any person who
15 holds a valid class 3 Montana teacher certificate with a
16 superintendent's endorsement that has been issued by the
17 superintendent of public instruction under the provisions of
18 this title and the policies adopted by the board of public
19 education and who has been employed by a district as a
20 district superintendent.

21 (8) "K-12 vocational education" means vocational
22 education in public school grades 1 through 12.

23 ~~(8) "Postsecondary-vocational-technical-center" means~~
24 ~~a school used principally for the provision of postsecondary~~
25 ~~vocational-technical education to persons who qualify as~~

postsecondary-vocational-technical-pupils--These-centers-are designated--by-the-superintendent-of-public-instruction-upon direction-by-the-legislature--All-other--public--or--private schools-are-hereby-prohibited-from-using-this-title-

{9}--"Postsecondary---vocational-technical---education" means--vocational-technical---education---of---postsecondary vocational-technical---pupils---which---is---conducted--by--a postsecondary-vocational-technical-center-or-other--programs as--designated--by-the-superintendent-of-public-instruction-- Postsecondary-vocational-technical-education--shall--include the--13th-and-14th-year-and-beyond-but-will-not-include-work toward-a-baccalaureate-degree-

{10}--"Postsecondary-vocational-technical-pupil"--means-a person-who-has-completed-or-left--school--is--at--least--16 years--of-age--and-is-available-for-study-in-preparation-for entering-the-labor-market--for-reentering-the-labor--market-- or-for-employment-stability-or-advancement-in-employment-

{11}{9} "Principal" means any person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher shall be construed as including a principal, as

herein defined.

{12}{10} "Pupil" means any child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but has not yet reached his 19th birthday and who is enrolled in a school established and maintained under the laws of the state of Montana at public expense.

{13}{11} "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

{14}{12} "Regents" means the board of regents of higher education.

{15}{13} "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and shall include any food service financially assisted through funds or commodities provided by the United States government.

{16}{14} "The state board of education" is the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the 1972 Montana constitution.

{17}{15} "State university" means the Montana state university, located at Bozeman.

{18}{16} "Superintendent of public instruction" means

1 that state government official designated as a member of the
2 executive branch by the constitution of Montana.

3 ~~(19)~~(17) "System" means the Montana university system.

4 ~~(20)~~(18) "Teacher" means any person, except a district
5 superintendent, who holds a valid Montana teacher
6 certificate that has been issued by the superintendent of
7 public instruction under the provisions of this title and
8 the policies adopted by the board of public education and
9 who is employed by a district as a member of its
10 instructional, supervisory, or administrative staff. This
11 definition of a teacher shall also include any person for
12 whom an emergency authorization of employment of such person
13 has been issued under the provisions of 20-4-111.

14 ~~(21)~~(19) "Textbook" means a book or manual used as a
15 principal source of study material for a given class or
16 group of students.

17 ~~(22)~~(20) "Textbook dealer" means any party, company,
18 corporation, or other organization selling, offering to
19 sell, or offering for adoption textbooks to districts in the
20 state of Montana.

21 ~~(23)~~(21) "Trustees" means the governing board of a
22 district.

23 ~~(24)~~(22) "University" means the university of Montana,
24 located at Missoula.

25 ~~(25)~~(23) "Vocational education" means the instruction

1 to prepare or improve the pupil for gainful employment that
2 does not require a baccalaureate or higher degree. This
3 definition of vocational education shall include guidance
4 and prevocational, related, or technical instruction
5 necessary to prepare the pupil for further vocational
6 education or for entry into employment.

7 (24) "Vocational-technical center" means an institution
8 used principally for the provision of vocational-technical
9 education to persons who qualify as vocational-technical
10 students. These centers are designated by the board of
11 regents upon direction by the legislature. All other public
12 or private institutions or schools are hereby prohibited
13 from using this title.

14 (25) "Vocational-technical education" means
15 vocational-technical education of vocational-technical
16 students that is conducted by a vocational-technical center,
17 a unit of the Montana university system, or a community
18 college as designated by the board of regents."

19 Section 8. Section 20-3-103, MCA, is amended to read:
20 "20-3-103. Deputy superintendent -- staff. (1) The
21 state superintendent of public instruction shall appoint a
22 deputy who, in the absence of the principal or in the case
23 of vacancy in his office, shall perform all the duties of
24 office until such disability be removed or vacancy be
25 filled. Such deputy shall subscribe, take, and file the oath

1 of office provided by law for other state officers before
2 entering upon the performance of his duties.

3 (2) The superintendent of public instruction shall
4 have the power to employ, organize, and administer a staff
5 of personnel to assist him in the administration of the
6 duties and services of the office. In organizing his staff,
7 the superintendent of public instruction shall employ:

8 (a) a supervisor of physical education who is a
9 graduate of an accredited institution of higher education
10 with a master's degree in physical education;

11 (b) a professional staff for the state supervision and
12 administration of K-12 vocational education; and

13 (c) a special education supervisor who is a graduate
14 of an accredited institution of higher education with a
15 master's degree in a field of special education for the
16 mentally retarded or physically handicapped and who has not
17 less than 2 years' experience in special education."

18 Section 9. Section 20-3-106, MCA, is amended to read:

19 "20-3-106. Supervision of schools -- powers and
20 duties. The superintendent of public instruction has the
21 general supervision of the public schools and districts of
22 the state, and he shall perform the following duties or acts
23 in implementing and enforcing the provisions of this title:

24 (1) resolve any controversy resulting from the
25 proration of costs by a joint board of trustees under the

1 provisions of 20-3-362;

2 (2) issue, renew, or deny teacher certification and
3 emergency authorizations of employment;

4 (3) negotiate reciprocal tuition agreements with other
5 states in accordance with the provisions of 20-5-314;

6 (4) serve on the teachers' retirement board in
7 accordance with the provisions of 2-15-1010;

8 (5) approve or disapprove the orders of a high school
9 boundary commission in accordance with the provisions of
10 20-6-311;

11 (6) approve or disapprove the opening or reopening of
12 a school in accordance with the provisions of 20-6-502,
13 20-6-503, 20-6-504, or 20-6-505;

14 (7) approve or disapprove school isolation within the
15 limitations prescribed by 20-9-302;

16 (8) generally supervise the school budgeting
17 procedures prescribed by law in accordance with the
18 provisions of 20-9-102 and prescribe the school budget
19 format in accordance with the provisions of 20-9-103 and
20 20-9-506;

21 (9) establish a system of communication for
22 calculating joint district revenues in accordance with the
23 provisions of 20-9-151;

24 (10) approve or disapprove the adoption of a district's
25 emergency budget resolution under the conditions prescribed

1 in 20-9-163 and publish rules for an application for
2 additional state aid for an emergency budget in accordance
3 with the approval and disbursement provisions of 20-9-166;

4 (11) generally supervise the school financial
5 administration provisions as prescribed by 20-9-201(2);

6 (12) prescribe and furnish the annual report forms to
7 enable the districts to report to the county superintendent
8 in accordance with the provisions of 20-9-213(5) and the
9 annual report forms to enable the county superintendents to
10 report to the superintendent of public instruction in
11 accordance with the provisions of 20-3-209;

12 (13) approve, disapprove, or adjust an increase of the
13 average number belonging (ANB) in accordance with the
14 provisions of 20-9-313 and 20-9-314;

15 (14) distribute state equalization aid in support of
16 the foundation program in accordance with the provisions of
17 20-9-342, 20-9-345, and 20-9-347;

18 (15) distribute state impact aid in accordance with the
19 provisions of 20-9-304;

20 (16) provide for the uniform and equal provision of
21 transportation by performing the duties prescribed by the
22 provisions of 20-10-112;

23 (17) approve or disapprove an adult education program
24 for which a district proposes to levy a tax in accordance
25 with the provisions of 20-7-705;

1 (18) request, accept, deposit, and expend federal
2 moneys in accordance with the provisions of 20-9-603;

3 (19) authorize the use of federal moneys for the
4 support of an interlocal cooperative agreement in accordance
5 with the provisions of 20-9-703 and 20-9-704;

6 (20) prescribe the form and contents of and approve or
7 disapprove interstate contracts in accordance with the
8 provisions of 20-9-705;

9 (21) approve or disapprove the conduct of school on a
10 Saturday or on pupil-instruction-related days in accordance
11 with the provisions of 20-1-303 and 20-1-304;

12 (22) recommend standards of accreditation for all
13 schools to the board of public education and evaluate
14 compliance with such standards and recommend accreditation
15 status of every school to the board of public education in
16 accordance with the provisions of 20-7-101 and 20-7-102;

17 (23) collect and maintain a file of curriculum guides
18 and assist schools with instructional programs in accordance
19 with the provisions of 20-7-113 and 20-7-114;

20 (24) establish and maintain a library of visual, aural,
21 and other educational media in accordance with the
22 provisions of 20-7-201;

23 (25) license textbook dealers and initiate prosecution
24 of textbook dealers violating the law in accordance with the
25 provisions of the textbooks part of this title;

4

(26) as the governing agent and executive officer of the state of Montana for K-12 vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

~~(27)-consider-applications-for--the--designation--of--a postsecondary-vocational-technical-center-in-accordance-with the-provisions-of-20-7-311;~~

~~(28)-establish-a-fund-for-the-handling-of-postsecondary vocational-technical--center--fees--in--accordance--with-the provisions-of-20-7-333;~~

~~(29)~~(27) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

~~(30)~~(28) administer the traffic education program in accordance with the provisions of 20-7-502;

~~(31)~~(29) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

~~(32)~~(30) review school building plans and specifications in accordance with the provisions of 20-6-622;

~~(33)~~(31) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408; and

~~(34)~~(32) perform any other duty prescribed from time to

time by this title, any other act of the legislature, or the policies of the board of public education."

Section 10. Section 20-6-501, MCA, is amended to read:

"20-6-501. Definition of various schools. As used in this title, unless the context clearly indicates otherwise, the term "school" means an institution for the teaching of children that is established and maintained under the laws of the state of Montana at public expense. The trustees of any district shall designate the grade assignments for the schools of the district, but for the purposes of this title each school shall be known as:

(1) an elementary school when it comprises the work of any combination of kindergarten, other preschool programs, or the first eight grades or their equivalents. A middle school is a school comprising the work of grades 4 through 8 or any combination thereof that has been accredited as a middle school under the provisions of 20-7-102. When an accredited junior high school or an accredited 6-year high school is operated by the district, grades 7 and 8 or their equivalents shall not be considered as elementary grades.

(2) a high school when it comprises the work of one or more grades of schoolwork or their equivalents intermediate between the elementary schools and the institutions of higher education of the state of Montana. Types of high schools shall be designated as follows:

1 (a) a junior high school is a school comprising the
2 work of grades 7 through 9 or their equivalents that has
3 been accredited as a junior high school under the provisions
4 of 20-7-102;

5 (b) a senior high school is a school which comprises
6 the work of grades 10 through 12 or their equivalents and
7 which is operated in conjunction with a junior high school;

8 (c) a 6-year high school is a school comprising the
9 work of grades 7 through 12 or their equivalents that has
10 been accredited as a 6-year high school under the provisions
11 of 20-7-102;

12 (d) a 4-year high school is a school comprising the
13 work of grades 9 through 12 or their equivalents;

14 (e) a county high school is a 4-year high school
15 operated as an agency of county government and established
16 under the provisions of the acts of March 3, 1899, March 14,
17 1901, and any subsequent amendments thereto;

18 ~~{f)--a---postsecondary---vocational-technical---center~~
19 ~~established-under-the-provisions-of-20-7-311."~~

20 Section 11. Section 20-7-301, MCA, is amended to read:

21 "20-7-301. Duties of the superintendent of public
22 instruction. The superintendent of public instruction shall
23 be the governing agent and executive officer of the state of
24 Montana for K-12 vocational education. The superintendent of
25 public instruction shall adopt and administer policies to

1 effect the orderly development of a system of K-12
2 vocational education that is adaptable to changing needs,
3 controlled to prevent unnecessary duplication, coordinated
4 with federal guidelines and requirements for vocational
5 education, and funded to ensure growth and quality
6 programming. In order to accomplish the orderly development
7 of a system of K-12 vocational education, the superintendent
8 of public instruction policies shall include:

9 (1) a state plan for such development;

10 (2) standards for K-12 vocational education courses
11 and programs;

12 ~~{3)--the-----minimum-----requirements-----for-----granting~~
13 ~~postsecondary-vocational-technical-certificates-to-students;~~

14 ~~{4}{3}~~ a review process for the establishment and
15 deletion of programs;

16 ~~{5)--the--necessary-qualifications-that-a-postsecondary~~
17 ~~vocational-technical-center-director-must-possess;~~

18 ~~{6}{4}~~ instructor qualifications for K-12 vocational
19 education courses and programs;

20 ~~{7}{5}~~ criteria for approval of K-12 vocational
21 education courses and programs which--are---to---receive
22 financial-assistance;

23 ~~{8)--criteria-----for-----receiving,-----reviewing,-----and~~
24 ~~transmitting-----recommendations-----on-----postsecondary~~
25 ~~vocational-technical--center--operations-and-budget-requests~~

1 to-the-legislature;

2 {9}{6} a basis for apportionment of all moneys
3 appropriated by the legislature for K-12 vocational
4 education in accordance with the intent of the legislature
5 as reflected in the terms of the appropriation;

6 {10}{7} a basis for apportionment of all moneys
7 received by the state of Montana for K-12 vocational
8 education from the federal government in accordance with the
9 acts of congress;

10 {11}{8} a system of evaluation of K-12 vocational
11 education which allows for consideration of the current and
12 projected manpower needs and job opportunities; and

13 {12}-the---tuition--and--fees--to--be--charged--at--the
14 postsecondary--vocational-technical--centers;---based---upon
15 legislative--appropriations--available-to-the-superintendent
16 of-public-instruction-for-postsecondary-vocational-technical
17 centers;

18 {13}-the-allowable-costs-for-rental--of--buildings--for
19 postsecondary-vocational-technical-center-purposes;

20 {14}-guidelines--for--the--authority--delegated--by-the
21 superintendent-of-public-instruction--to--the--local--school
22 district---board---of--trustees--operating--a--postsecondary
23 vocational-technical-center; and

24 {15}{9} any other policy not inconsistent with public
25 law and which is necessary for the proper operation of a

1 system of K-12 vocational education."

2 Section 12. Section 20-7-302.1, MCA, is amended to
3 read:

4 "20-7-302.1. State director of K-12 vocational
5 education -- duties. There is a state director of K-12
6 vocational education appointed by the superintendent of
7 public instruction. He must:

8 (1) administer the K-12 vocational education policies
9 adopted by the superintendent of public instruction;

10 (2) prepare curriculum guides for superintendent of
11 public instruction adoption;

12 (3) employ, with the confirmation of the
13 superintendent of public instruction, the professional staff
14 necessary for the state supervision and administration of
15 K-12 vocational education;

16 (4) report the status of K-12 vocational education in
17 the state of Montana when requested by the superintendent of
18 public instruction;

19 (5) keep all K-12 vocational education records in his
20 office;

21 (6) provide K-12 vocational education supervisory and
22 consultative assistance to districts;

23 {7}--provide---a---postsecondary---vocational-technical
24 center---system---policy---and---procedural---handbook---for
25 institutional--operations--that--will-standardize-operations

1 among-the-centers;

2 {8}--identify-and-direct-the-county-treasurer-in--those
3 counties--where--postsecondary--vocational-technical-centers
4 are-located-to-establish-the-necessary-multifund--structures
5 for--postsecondary--vocational-technical--center--financial
6 operations;

7 {9}--meet-with-the-chairman-of-the-board--of--trustees,
8 district---superintendent,---and--center--director--of--each
9 postsecondary-vocational-technical--center--at--least--twice
10 each---year---to---discuss---recommended---changes---in--the
11 superintendent--of--public---instruction's---policies---and
12 procedures;

13 {10}--formulate--and--put--into--effect--uniform-fiscal,
14 student-staff,--and--program--accounting--systems--for--the
15 postsecondary-vocational-technical-centers;

16 {11}{7} prepare any necessary reports for the
17 superintendent of public instruction or the legislature; and

18 {12}--represent-the--postsecondary--vocational-technical
19 center--system--to--state-agencies, associations, and others
20 when-appropriate;

21 {13}--recommend-a-staffing-pattern-for-the-postsecondary
22 vocational-technical-centers;

23 {14}--provide--for--the--evaluation--of--programs---and
24 services---within--each--postsecondary--vocational-technical
25 center;

1 {15}--provide--for--evaluation--of--each---postsecondary
2 vocational-technical-center's-ability-to-meet-employment-and
3 student-vocational-technical-education-needs; and

4 {16}{8} perform any other duty assigned by the
5 superintendent of public instruction."

6 Section 13. Section 20-7-303, MCA, is amended to read:

7 "20-7-303. District--authorization Authorization to
8 establish and maintain vocational education courses and
9 programs. The trustees of any an elementary or high school
10 district, community college district, or unit of the Montana
11 university--system may establish and maintain a vocational
12 education course or program that complies with the K-12
13 vocational education standards adopted by the superintendent
14 of public instruction. In order for a course or program to
15 be eligible for state or federal financing, it shall be
16 approved by the superintendent of public instruction for
17 compliance with K-12 vocational education standards."

18 Section 14. Section 20-7-311, MCA, is amended to read:

19 "20-7-311. Postsecondary-----vocational-technical
20 Vocational-technical center designation. (1) Postsecondary
21 vocational-technical Vocational-technical centers shall be
22 designated by the superintendent-of-public-instruction-only
23 board of regents upon direction of the legislature.
24 Applications-for-designation-must-be-made-in-accordance-with
25 the-following-procedure:

1 ~~{a) The trustees of any high school district of a~~
 2 ~~county high school, of a community college district, or the~~
 3 ~~governing board of any unit of the Montana university system~~
 4 ~~may submit an application for designation of a postsecondary~~
 5 ~~vocational-technical center to be operated by such trustees~~
 6 ~~or governing board. The application for designation shall be~~
 7 ~~submitted in accordance with the time, date, and form~~
 8 ~~requirements prescribed by the superintendent of public~~
 9 ~~instruction. Applicant high school districts, county high~~
 10 ~~schools, or community college districts shall be located in~~
 11 ~~a county with a taxable valuation of at least \$45 million.~~

12 ~~{b) Applications are to be presented to the~~
 13 ~~superintendent of public instruction. The superintendent of~~
 14 ~~public instruction shall examine the application and draft~~
 15 ~~recommendations. The application together with all~~
 16 ~~recommendations shall be presented by the superintendent of~~
 17 ~~public instruction to the next following legislature.~~

18 (2) The superintendent of public instruction board of
 19 regents shall recognize the presently designated
 20 postsecondary vocational-technical centers operated by the
 21 respective board of trustees of designated prior to [the
 22 effective date of this act] in school district number 1 of
 23 Silver Bow County, high school district number 1 of Lewis
 24 and Clark County, high school district "A" of Cascade
 25 County, Missoula County high school, and high school

1 district number 2 of Yellowstone County."

2 Section 15. Section 20-7-312, MCA, is amended to read:

3 "20-7-312. Local administration of
 4 vocational-technical center. (1) Subject to the requirements
 5 of the laws of the state of Montana and the policies and
 6 rules of the superintendent of public instruction as
 7 administered by the state director of vocational education,
 8 the board of trustees operating a postsecondary board of
 9 regents, the director of a vocational-technical center has
 10 administrative and supervisory control of the center and
 11 shall:

12 ~~{a) employ, from among qualified applicants, a~~
 13 ~~postsecondary vocational-technical center director;~~

14 ~~{b) (a) employ administrative personnel, faculty~~
 15 ~~members, and employees for the postsecondary~~
 16 ~~vocational-technical center according to the policies and~~
 17 ~~procedures rules of the board of trustees regents;~~

18 ~~{c) (b) recommend, develop, and submit budgets a~~
 19 ~~recommended budget for the postsecondary~~
 20 ~~vocational-technical centers center;~~

21 ~~{d) (c) establish and collect student tuition and fees;~~

22 ~~{e) (d) recommend to the superintendent of public~~
 23 ~~instruction through the state director of vocational~~
 24 ~~education board of regents:~~

25 (i) proposals regarding postsecondary

1 vocational-technical center programs, budgets, student
2 services, and public service activities; and

3 (ii) campus development and program plans for
4 individual postsecondary vocational-technical center
5 buildings;

6 {f}{e} manage buildings erected-and-equipped-on-leased
7 grounds at the vocational-technical center;

8 {g}{f} receive and administer gifts and bequests to
9 the postsecondary vocational-technical center according to a
10 written plan submitted to the superintendent--of--public
11 instruction board of regents; and

12 {h}{g} perform any other administrative
13 responsibilities duties not inconsistent with law and
14 required by the superintendent-of-public-instruction board
15 of regents.

16 (2) The board-of--trustees--operating director of a
17 postsecondary vocational-technical center may not enter into
18 any contract that in any way creates a debt or obligation
19 upon the state for the improvement or construction of
20 postsecondary vocational-technical center buildings on
21 leased-property."

22 Section 16. Section 20-7-314, MCA, is amended to read:

23 "20-7-314. Lease or purchase of state property for
24 postsecondary vocational-technical center purposes. (1) The
25 state of Montana, acting by-and through the superintendent

1 of-public-instruction-is-hereby-empowered-and-authorized-to
2 enter--into--a board of regents, may lease, agreement for a
3 term not to exceed 40 years, in-order-to-lease-to-a-district
4 operating-a-postsecondary--vocational-technical--center any
5 building or lands owned-by-the-state-and-financed-in-whole
6 or-in-part-by-an-appropriation-made-by--the--legislature--of
7 the--state--of--Montana for the--purpose-of-supporting-the
8 district's-postsecondary a vocational-technical center. The
9 consideration--necessary--to--support--such--a--lease-may-be
10 nominal;

11 (2) The-superintendent-of-public-instruction-is-hereby
12 authorized-to-transfer-or-direct-transfer-of-title--held--by
13 the-state-of-Montana-in-buildings-or-lands-financed-in-whole
14 or-in-part-by-an-appropriation-by-the-state-legislature-to-a
15 district---operating---a--postsecondary--vocational-technical
16 center,-at-any-time-the-superintendent-of-public-instruction
17 deems-such-transfer-to-be-in-the-best-interests-of-both--the
18 state---and---the--district--involved,--provided--that--this
19 authorization-extends-only-to-buildings-or-lands--which--are
20 to---be---used---by---the---district---for---postsecondary
21 vocational-technical--education--purposes. The state of
22 Montana, acting through the board of regents and on demand
23 of a school district, shall lease or purchase the equity or
24 interest of the school district in any building, land, or
25 other property at a vocational-technical center on terms

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1 agreed to between the board of regents and the school
 2 district. A purchase may be by lump-sum payment, time
 3 payments, the assumption of bonded indebtedness, or any
 4 other mutually agreeable method. Money received by a school
 5 district from the lease or sale under this subsection (2) of
 6 the school district's equity or interest in a building,
 7 land, or other property must be credited to the debt service
 8 fund, building fund, general fund, or any combination of
 9 these funds, at the discretion of the trustees of the school
 10 district."

11 Section 17. Section 20-7-322, MCA, is amended to read:

12 "20-7-322. State treasurer custodian of vocational
 13 education moneys money. (1) The treasurer of the state of
 14 Montana is hereby designated as the custodian of all federal
 15 and state moneys money designated, appropriated, or
 16 apportioned for vocational education. All moneys money
 17 received from any federal or state source for the
 18 establishment, operation, or furtherance of vocational
 19 education in the state shall be deposited with the state
 20 treasurer. At the direction of the superintendent of public
 21 instruction, he shall disburse all ~~moneys-appropriated-or~~
 22 money received for K-12 vocational education. At the
 23 direction of the board of regents, he shall disburse all
 24 money received for vocational-technical education.

25 (2) The state treasurer is the treasurer for all

1 postsecondary vocational-technical centers, and all money
 2 received by postsecondary vocational-technical centers from
 3 any source shall be deposited in the state treasury pursuant
 4 to 17-6-105, unless the source of the money specifies
 5 deposit somewhere other than in the state treasury."

6 Section 18. Section 20-7-324, MCA, is amended to read:

7 "20-7-324. Sources of financing for postsecondary
 8 vocational-technical center budgets -- superintendent-of
 9 public-instruction-administration distribution of funds. (1)
 10 The total of the budgets approved by the superintendent--of
 11 public--instruction board of regents shall constitute the
 12 total maximum approved statewide vocational-technical center
 13 system budget which shall be financed as follows:

14 (a) The primary source of financing is to be those
 15 funds specifically designated by legislative enactment or
 16 referendum by the people for financing postsecondary
 17 vocational-technical education in Montana.

18 (b) The board of county commissioners of each county
 19 in which a designated postsecondary vocational-technical
 20 center is located shall levy a tax in each calendar year of
 21 1-1/2 3 mills on the dollar of all taxable property, real
 22 and personal, within the county for the support and
 23 maintenance of the postsecondary vocational-technical center
 24 located-within-the-county system.

25 (c) Designated postsecondary vocational-technical

centers shall be eligible to receive such funds from the federal government as the superintendent---of---public instruction board of regents may provide pursuant to applicable acts of congress.

{d}--The-board--of--trustees--of--any--designated--high school--district--or--county--high--school--district--where-a postsecondary-vocational-technical-center-is-located-may--be required,--as--a--condition--for--the--construction--in--that district-of-a-postsecondary-vocational-technical-center,--or any-part--thereof,--to--furnish--up-to-50%--of--the-amount-of funds-required-for-any-such-construction. The-percentage--of construction---funds--to--be--furnished--by--the--designated district-shall-be-derived, in-whole-or-in-part, from-any-of the-following-sources:

{i}--the--sale--of--bonds-issued-by-that-district--{such bonds-shall-be-issued-in-conformity-with-the-requirements-of chapter-9, part-4, of-this-title-in-the-case-of-high--school and-county-high-school-district};

{ii}--any--other--funds-available-to-that-district-which may-be--legally--and--properly--applied--toward--such construction;

{iii}--the--reasonable--value--of--land,--buildings, fixtures,--or--equipment-furnished-by-that--district,--subject to-the-approval-of-the-superintendent-of-public-instruction;

{2} The superintendent-of-public-instruction board of

regents shall direct the distribution of the funds specified in subsections-{i}{a}-through-{i}{c} subsection (1) on the basis of the budgets approved by the superintendent-of public-instruction board of regents. The funds earned by the mill levy specified in subsection (1)(b) shall be credited to the postsecondary vocational-technical center account in the unrestricted subfund of the current fund in the state treasury.

{3}--The--superintendent--of--public--instruction-shall determine-the-amount-of-financing-available-from-these--four sources--of-revenue-and-may-approve-budgets-for-instruction, plant-operations-and-maintenance,--equipment,--and--support. The--aggregate--amount--of--the--budgets--so-approved-by-the superintendent--of--public--instruction--for--postsecondary vocational-technical--centers--shall--not--exceed-the-moneys determined-to-be-available"

Section 19. Section 20-7-325, MCA, is amended to read:

"20-7-325. Postsecondary-----vocational-technical Vocational-technical center funding -- nongeneral fund money expended first -- reversion of general fund money. (1) Whenever--an--approved--postsecondary---vocational-technical center-under-the-provisions-of-20-7-311-is-operated-within-a district, the-trustees-of-such-district The board of regents shall request the establishment of the appropriate accounts for the vocational-technical center system in the state

1 treasury. These accounts shall be established in the
 2 appropriate state treasury funds as determined by the
 3 department of administration. All money prescribed and
 4 received under the provisions of 20-7-324 shall be credited
 5 to these accounts. The expenditure of the money deposited in
 6 the state treasury shall be made in accordance with
 7 procedures established by the department of administration.
 8 Such expenditures shall be made under the budget and for the
 9 programs approved by the superintendent---of--public
 10 instruction board of regents under the--provisions---of
 11 20-7-323-and the financial administration provisions of this
 12 title.

13 (2) A postsecondary vocational-technical center shall
 14 apply expenditures against nongeneral fund money wherever
 15 possible before using state general fund appropriations. All
 16 state general fund money appropriated or disbursed to a
 17 postsecondary vocational-technical center which are
 18 unexpended at fiscal year end shall revert to the state
 19 general fund.

20 {3}--The-----approval-----of-----the-----postsecondary
 21 vocational-technical--center--budget-and-subsequent-revision
 22 or-amendment-of-such-budget-by-the-superintendent-of--public
 23 instruction-shall-constitute-the-final-budget-approval-

24 {4}--Whenever-----the-----county-----tax-----prescribed-----in
 25 20-7-324{1}{b}-is-to-be-used-in-support-of-the-postsecondary

1 vocational-technical-center, the--county--commissioners--are
 2 authorized-to-levy-such-tax-on-the-county-in-accordance-with
 3 the-provisions-of-20-9-142."

4 Section 20. Section 20-7-327, MCA, is amended to read:
 5 "20-7-327. Source of financing for postsecondary
 6 vocational-technical center facility maintenance. The source
 7 of funds for maintenance, remodeling, and renovation of
 8 postsecondary vocational-technical center facilities may be
 9 either local funds federal funds or state funds specifically
 10 appropriated by the legislature and approved by the
 11 superintendent--of--public--instruction board of regents, or
 12 any combination of these funds."

13 Section 21. Section 20-7-332, MCA, is amended to read:
 14 "20-7-332. Tuition rates. (1) Tuition may be charged
 15 to any resident or nonresident of the state of Montana by
 16 the governing---board director of any postsecondary
 17 vocational-technical center at rates to be determined by the
 18 superintendent--of--public-instruction board of regents. The
 19 superintendent-of-public-instruction board of regents shall
 20 also prescribe permissible uses for any tuition authorized.

21 (2) For the purposes of this section the eligibility
 22 of a student for resident status shall be determined in the
 23 same manner as that prescribed for use by the Montana
 24 university system, except that those provisions referring to
 25 "high school graduates" or "graduation from high school"

1 shall be considered to refer to a person who has attended
2 school or who was in attendance at a school."

3 Section 22. Section 20-7-333, MCA, is amended to read:

4 "20-7-333. ~~Pupil~~ Student fees and disposition of
5 collected fees. (1) Fees for the use of equipment and
6 material used in instruction may be charged by the trustees
7 ~~or other governing board~~ director of the postsecondary
8 vocational-technical center. The ~~superintendent of public~~
9 ~~instruction board of regents~~ shall prescribe the ~~basis~~ bases
10 and limitations for the charging of such fees.

11 (2) Fees collected by the postsecondary
12 vocational-technical center shall be deposited with the
13 state treasurer in the fund designated by the superintendent
14 ~~of public instruction~~ board of regents for the receipt of
15 such fees. The expenditure of the fees shall not be subject
16 to budget limitations and shall be in addition to the
17 program budgets approved by the ~~superintendent of public~~
18 ~~instruction board of regents.~~"

19 Section 23. Section 20-9-403, MCA, is amended to read:

20 "20-9-403. Bond issues for certain purposes. (1) The
21 trustees of a school district may issue and negotiate bonds
22 on the credit of the school district for the purpose of:

23 (a) building, altering, repairing, buying, furnishing,
24 equipping, purchasing lands for, and/or obtaining a water
25 supply for a school, teacherage, dormitory, gymnasium, other

1 building, or combination of said buildings for school
2 purposes, ~~including postsecondary vocational-technical~~
3 ~~centers in the school district;~~

4 (b) buying a school bus or buses;

5 (c) providing the necessary money to redeem matured
6 bonds, maturing bonds, or coupons appurtenant to bonds when
7 there is not sufficient money to redeem them;

8 (d) providing the necessary money to redeem optional
9 or redeemable bonds when it is for the best interest of the
10 school district to issue refunding bonds; or

11 (e) funding a judgment against the district.

12 (2) Any money realized from the sale of any bonds
13 issued on the credit of a high school district shall not be
14 used for any of the above purposes in an elementary school
15 district, and such money may be used for any of the above
16 purposes for a junior high school but only to the extent
17 that the 9th grade of the high school is served thereby."

18 Section 24. Section 20-9-513, MCA, is amended to read:

19 "20-9-513. ~~Postsecondary~~ ~~-----vocational-technical~~
20 Vocational-technical center and adult basic education
21 programs account established. There is within the state
22 special revenue fund a postsecondary vocational-technical
23 center and adult basic education account. Money is paid into
24 the account under 90-6-211. The state treasurer shall draw
25 warrants payable from this account upon order of the

1 superintendent of public instruction or the board of regents
 2 up to the amount provided for each under 90-6-211 by the
 3 biennium budget passed by the legislature."

4 Section 25. Section 39-71-118, MCA, is amended to
 5 read:

6 "39-71-118. Employee, worker, and workman defined. (1)
 7 The terms "employee", "workman", or "worker" mean:

8 (a) each person in this state, including a contractor
 9 other than an independent contractor, who is in the service
 10 of an employer, as defined by 39-71-117, under any
 11 appointment or contract of hire, expressed or implied, oral
 12 or written. The terms include aliens and minors, whether
 13 lawfully or unlawfully employed, and all of the elected and
 14 appointed paid public officers and officers and members of
 15 boards of directors of quasi-public or private corporations
 16 while rendering actual service for such corporations for
 17 pay. Casual employees as defined by 39-71-116(3) are
 18 included as employees if they are not otherwise covered by
 19 workers' compensation and if an employer has elected to be
 20 bound by the provisions of the compensation law for these
 21 casual employments, as provided in 39-71-401(2). Household
 22 or domestic service is excluded.

23 (b) a recipient of general relief who is performing
 24 work for a county of this state under the provisions of
 25 53-3-303 through 53-3-305 and any juvenile performing work

1 under authorization of a district court judge in a
 2 delinquency prevention or rehabilitation program;

3 (c) a person receiving on-the-job vocational
 4 rehabilitation training or other on-the-job training under a
 5 state or federal vocational training program, whether or not
 6 under an appointment or contract of hire with an employer as
 7 defined in this chapter and whether or not receiving payment
 8 from a third party. However, this subsection does not apply
 9 to students enrolled in vocational training programs as
 10 outlined above while they are on the premises of a public
 11 school or community college.

12 (d) students enrolled and in attendance in programs of
 13 vocational-technical education ~~approved-by-the-state-board~~
 14 ~~of---public---education~~ at designated postsecondary
 15 vocational-technical centers; or

16 (e) an airman or other person employed as a volunteer
 17 under 67-2-105.

18 (2) If the employer is a partnership or sole
 19 proprietorship, such employer may elect to include as an
 20 employee within the provisions of this chapter any member of
 21 such partnership or the owner of the sole proprietorship
 22 devoting full time to the partnership or proprietorship
 23 business. In the event of such election, the employer must
 24 serve upon the employer's insurer written notice naming the
 25 partners or sole proprietor to be covered, and no partner or

1 sole proprietor shall be deemed an employee within this
 2 chapter until such notice has been given. For premium
 3 ratemaking and for the determination of weekly wage for
 4 weekly compensation benefits, the insurance carrier shall
 5 assume a salary or wage of such electing employee to be not
 6 less than \$900 a month and not more than 1 1/2 times the
 7 average weekly wage as defined in this chapter."

8 Section 26. Section 90-6-211, MCA, is amended to read:

9 "90-6-211. Disposition of interest from unexpended
 10 balance. The unexpended balance in the local impact and
 11 education trust fund account shall be invested as provided
 12 by statute by the board of investments. Of the income from
 13 such investments each year 10% shall be paid into the state
 14 special revenue fund for use by the superintendent of public
 15 instruction for purposes of the---postsecondary
 16 ~~vocational-technical--centers--and~~ adult basic education
 17 ~~programs in the state--subject-to-the-budgeting-authority-of~~
 18 ~~the--legislature~~ and for use by the board of regents for
 19 vocational-technical center education programs in the state,
 20 as provided in the biennium budget passed by the
 21 legislature. Within the account under 20-9-513, the revenue
 22 is shared between the postsecondary vocational-technical
 23 centers and the adult basic education programs as provided
 24 in the biennium budget passed by the legislature. Of the
 25 remaining 90% of the income from such investments,

1 three-fourths shall be annually paid into the state special
 2 revenue fund for state equalization aid to public schools of
 3 the state and one-fourth each year shall be paid to the
 4 board of regents of higher education for use by the
 5 institutions of higher learning in the state, subject to the
 6 budgeting authority of the legislature. Except as provided
 7 in 90-6-205(5), the principal of the local impact and
 8 education trust fund shall be dedicated to education and
 9 forever remain inviolate and sacred to this purpose as
 10 provided in sections 3 and 10 of Article X of the Montana
 11 constitution."

12 NEW SECTION. Section 27. Repealer. Sections 20-7-304,
 13 20-7-313, 20-7-323, 20-7-326, 20-7-331, 20-9-404, and
 14 20-9-405, MCA, are repealed.

15 NEW SECTION. Section 28. Extension of authority. Any
 16 existing authority of the superintendent of public
 17 instruction to make rules on the subject of the provisions
 18 of this act is extended to the provisions of this act.

19 NEW SECTION. Section 29. Codification instructions.
 20 (1) Sections 1 through 5 are intended to be codified as an
 21 integral part of Title 20, and the provisions of Title 20
 22 apply to sections 1 through 5.

23 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
 24 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
 25 intended to be renumbered and codified as an integral part

1 of a new chapter in Title 20 on the governance of
2 vocational-technical centers.

3 NEW SECTION. Section 30. Code commissioner name
4 change. In all sections of the Montana Code Annotated not
5 contained in this act and in all provisions passed by the
6 50th legislature wherein reference is made to a
7 postsecondary vocational-technical center, the code
8 commissioner shall change the reference to
9 vocational-technical center.

10 NEW SECTION. Section 31. Effective date. This act is
11 effective July 1, 1987.

-End-

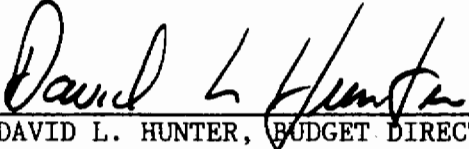
In compliance with a written request, there is hereby submitted a Fiscal Note for HB039, as introduced.

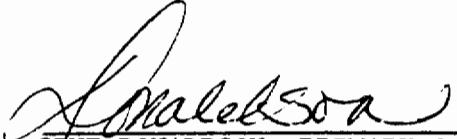
DESCRIPTION OF PROPOSED LEGISLATION:

HB039 transfers governance of the vocational technical centers from the Office of Superintendent of Public Instruction (OSPI), to the Board of Regents of Higher Education.

ASSUMPTIONS:

1. Federal authority for both secondary and post-secondary vocational education services, office of civil rights responsibilities and sex equity coordination is transferred in total from OSPI to the Board of Regents.
2. General fund required for matching federal administration expenditures will follow the sole state agency authority to the Board of Regents from OSPI.
3. There will be no net change in administration costs for vocational education.
4. State assumed responsibility for Vo-Tech facilities will be through the lease of current property from the school district.
5. Current Vo-Tech programs occupy 589,200 square feet of school district property. State funding purchased 32.8% of this space.
6. An average lease rate of \$4.15 per square foot will be the negotiated agreement between the Board of Regents and the local school districts.
7. The property valuation in the 5 counties containing Vo-Tech Centers will be \$549,215,333 in FY88 and \$562,975,333 in FY89.
8. Voted levies are not authorized as of July 1, 1987.
9. As of July 1, 1987, Vo-Tech center budgets cannot be expanded beyond legislative appropriations by local school districts.
10. Current voted levies total \$1,613,693 in FY87 and would remain constant in the 1989 biennium if the law is not adopted.
11. The legislature will replace the lost local budget authority with state budget authority.
12. Reductions in voted county levies would offset the 1.5 mill increase in the general county levy.
13. Collective bargaining salary levels for Vo-Tech center staff in the 1989 biennium will be tied to the local district's negotiated settlements. This fiscal note assumes that local salaries will be frozen. If salaries increase, a dollar for dollar increase in state general fund cost will occur.

 DATE 1/10/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE _____
GENE DONALDSON, PRIMARY SPONSOR

Fiscal Note for HB039, as introduced.

HB 39

FISCAL IMPACT:

Revenues:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
County Millage (1.5 to 3.0)	\$ 823,823	\$ 1,647,646	\$ 823,823	\$ 844,463	\$ 1,688,926	\$ 844,463
County Voted	1,613,693	0	(1,613,693)	1,613,693	0	(1,613,693)
TOTAL	\$ 2,437,516	\$ 1,647,646	(\$ 789,870)	\$ 2,458,156	\$ 1,688,926	(\$ 769,230)

Expenditures:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
State Assumption of Current Voted Levy Costs	\$ 0	\$ 1,613,693	\$ 1,613,693	\$ 0	\$ 1,613,693	\$ 1,613,693
Facility Lease Costs*	0	2,445,180	2,445,180	0	2,445,180	2,445,180
TOTAL	\$ 0	\$ 4,058,873	\$ 4,058,873	\$ 0	\$ 4,058,873	\$ 4,058,873
Net Cost to the General Fund*		\$ 3,235,050			\$ 3,214,410	

* If the state purchased space (32.8%) is factored out of the potential lease costs, these numbers would decrease \$802,020. Any change in the negotiated lease rate would change the general fund by a like amount.

If local salary negotiations exceed the salary increases appropriated by the 1987 Legislature, supplemental funding from the general fund for current level operations might be required in the 89 Biennium.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local school districts would have increased revenue due to the sale or lease of Vo-Tech facilities. We estimate that this revenue would be \$2,445,180 per year. This increased revenue could reduce property tax levies for the affected districts.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The state may be required, in the future, to purchase all Vo-Tech property from the local school district.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

This legislation transfers responsibility for federal vocational funding to the Board of Regents. As the bill currently reads, OSPI retains responsibility for secondary (K-12) vocational programs. Federal and associated matching funds for secondary (K-12) programs will transfer to the Board of Regents while secondary vo-ed responsibility remains with the Office of Public Instruction. This separation of funding and responsibility should be corrected in the proposed legislation.

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The fourth meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands, on January 16, 1987, at 1:00 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 39:

REP. GENE DONALDSON, House District No. 43, sponsor of the bill, reported that HB # 39 came out of the interim study committee on vo-techs, and reflects the majority report, although there is also a minority report. Rep. Donaldson handed out a review of the bill, see EXHIBIT NO. 1. He explained that the bill generally places the five vo-tech centers under the Board of Regents, and noted the reasons he believed that should happen, one being they are institutions of higher education.

REP. DONALDSON reviewed the bill briefly; Section 1 addresses the powers and the duties of the board of regents. He said it deals with the specific things the board of regents would do in cutting out the administrative portion of overseeing the five vo-tech centers. Section 2 deals with the sole state agency for the receipt of federal monies. OPI is currently the sole state agency and HB # 39 will place that function under the board of regents. Section 3 provides for a local advisory board to be appointed by the local school board which would allow the local people to have some input into what type of curriculum would be taught and give some local input into the centers in general. Section 4 deals with the duties of the commissioner of vo-tech centers. Section 5 addresses the existing center employees. They would remain employees of the district until July 1, 1989, and at that time they would become employees of the state under the board of regents. He noted there was ample security built into the bill that would make certain the employees were not abused in any way and that they would retain their seniority. He explained the rest of the bill is mainly housekeeping and would deal with moving the responsibility from the OPI to the Board of Regents.

One of the significant sections is that of funding, Rep. Donaldson stated. He said the vo-techs are currently funded on the local level by a 1½ mandatory county-wide mill levy. He advised that the bill calls for a 3 mill limit placed on the amount that the county would raise, which would double the county mill levy and remove the district voted levy entirely.

REP. DONALDSON acknowledged that would leave a shortfall but stated that situation would have to be dealt with because the local districts are not going to continue to subsidize in the degree that they have. He then called the committee's attention to page 25, section 18, subsection 14, which defines what the vo-tech centers are by location. He commented that there had been considerable discussion over the past year as to whether all of the five centers wanted to participate and he said he had no objection if any of the five centers would prefer not to become a part of the board of regents or the state-wide system. He concluded by saying he thought it was important to centralize that administration, and that he believed it was a higher education responsibility and should be under the board of regents.

PROPOSENTS:

SENATOR CHET BLAYLOCK, Senate District 43, noted he had served on the interim study committee which proposed the bill. He said he had served as chairman of the Senate education committee last session, and there had been two bills introduced by the school districts in the communities where the vo-tech schools were located, asking the legislature to do something. They could not continue the way that they had been and would have to close their vo-tech schools.

SEN. BLAYLOCK explained that early in the study all of the committee members made the decision that vo-tech education is exceedingly important to the State of Montana, and it must be kept. However, it cannot be kept under the present form. Therefore, it was recommended to place it under the board of regents. He urged the committee's serious consideration of the proposal.

REP. RAY PECK, House District No. 15, stated he had just finished going through the vo-tech budgets down in the sub-committee on education appropriations, and he was even more convinced that HB # 39 was a good bill. He noted that funding was one of the problems the committee would hear testimony on, and he believed 4½ mills would be suggested as necessary rather than 3 mills.

He then noted that one of the other problems there would be some concern over was the fact that the bill was proposing another commissioner. He stated he thought it was necessary, if you were going to coordinate a system, to have a coordinator.

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REP. PECK addressed some of the positive aspects of the bill at this point. He stated it would give the coordination that was necessary to reduce duplication. If there is going to be any hope to control the curricula in vo-tech education in the state, in the five centers, it has to be made a system, and HB # 39 would make it a system.

He then addressed credit transfers, and the actual availability of credits, and said he believed the problem would be solved by placing it with the board of regents. He said he had been informed there are some reserve units and national guard units that don't use the vo-tech centers for training because they cannot provide college credit. Without credit they can't receive federal funding.

He concluded his remarks by saying the federal maintenance of effort was another issue that should be considered. He said it was very difficult to make certain they were meeting the maintenance of effort requirement during the budgeting process because the vo-tech centers do not all budget the same way - that not all districts provide the same kind of support service.

ED ARGENBRIGHT, Montana Superintendent of Public Instruction, stated he had been in charge of the quasi-state governance system for the past six years, and he agreed the governance question had to be put to rest. He felt that much progress had been made and that greater standards relative to curriculum had been achieved.

Mr. Argenbright reiterated the issue of who is in charge has to be settled in order to move forward and meet the needs of vocational technical training in Montana. He said he believed that hard times and property tax payers in those five communities are demanding a state system, and that vesting authority in the board of regents as a single governing body was the proper course to take.

He exclaimed that once the governance issue is settled, the legislature can then proceed to develop an adequate funding mechanism to insure a vo-tech program that will fulfill its economic development potential through providing not just training, but retraining and upgrading of Montana's work force which is vital to the state's economic health.

Mr. Argenbright stated the potential of awarding associate degrees through the regents will enhance the employability potential of the successful graduates. He said he believed that the potential for greater flexibility in programming,

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transfer of credit, enhancement of career change and life-long opportunities will maximize the use of federal funds, and yet relieve the property tax burden in the local districts in which those centers are located. He also commented he believed that administrative costs would be reduced with this concept. Mr. Argenbright expressed his belief that HB # 39 would provide the direction needed for the system as Montana moves into the future.

GENE CHRISTIAANSON, Asst. Superintendent for Vocational Education Services, OPI, remarked that the committee could view him neither as a proponent or an opponent but rather he would discuss some of the concerns that had been made. He handed out EXHIBIT NO. 2, which highlights some of the issues. He noted the issues are three in scope, one deals with the impact relative to the personnel within the OPI that currently do service vocational education. He said the staff meets the responsibilities for secondary as well as post-secondary vocational education across the state, which include the vo-tech centers, the community colleges, the Indian community colleges and the university system, for projects that flow through the office of public instruction to those agencies.

Mr. Christiaananson then referred to the illustration in the center of page 2 of EXHIBIT 2 and stated it was very graphic in that the OPI has used federal funds along with general funds to support that staff that had those dual responsibilities for a long period of time. He advised without the federal funding, and assuming the federal and general fund being transferred to the board of regents, then the services for the secondary vocational education effort across the State of Montana would not be available and the staffing would disappear. He suggested a solution to the problem would be to amend the bill and develop language that would require contracting with the sole agent (that being the board of regents) as identified in section 2 of the bill. See EXHIBIT NO. 3. He stated with the amendatory language, he felt that the contracting language would provide funding back to the OPI to maintain those secondary services at a level to address those concerns.

Mr. Christiaananson moved on to the second issue which deals with facilities. He suggested there is some amendatory language that might be substituted in the bill that would address the facilities concerned and stretch it out over a period of time specifically within the statutes so that the fiscal impact is not felt within this biennium as it is so short of funding as it is.

The third issue that Mr. Christiaanson addressed was the concern for level funding. He noted that HB # 39 identifies an increase in the county millage from $1\frac{1}{2}$ to 3 mills. That would double the anticipated county support; however, it would also preclude the districts from supporting that portion of the budget that they have so willingly supported for the past several years. He advised the committee that the district support has grown from \$260,000 level to a \$1.6 million dollar level without that district support and with just an additional $1\frac{1}{2}$ county mills, a shortfall of approximately \$1.5 million will exist, based upon the 1987 budget. His proposal to solve that particular shortfall in the funding was to amend the bill and seek a level of $4\frac{1}{2}$ mills in the county and thereby insure level funding for those vo-tech centers.

He noted in response to concerns about I-105, that it would not increase the county tax, but would shift the county tax for an effort across the county rather than concentrating it within the local district.

CARROLL KRAUSE, Commissioner of Higher Education, stated that the board of regents have submitted to the interim committee three different models of the possibility of governing vocational education in the future. He stated one included the possibility that they would be governed out of the commissioners office in some fashion like they are being governed out of the superintendent of public instruction's office today. Another model involved the possibility of branching those institutions with the various units of the university system; and the third involved Northern Montana College in the coordination of the centers.

He remarked that although there has not been any final action taken on the part of the board of regents, they have discussed the merits of looking at the possibility of maintaining the sole state agency responsibilities relating to the federal law in the office of the commissioner.

Mr. Krause acknowledged they had to maintain the primary purpose of providing people the opportunity of entry level employment in the vo-tech system, but he also thought in order to maintain the competitiveness of the students in Montana there must be opportunities for career mobility and access to higher education.

He then stated he was in support of Mr. Christiaanson's amendment regarding the contractual responsibilities the board has

with the OPI for secondary education. He noted that is clearly important as it relates to federal law.

Mr. Krause stated he had some serious concerns about the 3 mills because it appears it drops about \$1.5 million dollars from the level of funding that the vo-tech centers currently have. He was adverse to accepting the responsibility of the vo-techs with a reduced budget which would clearly infringe upon his ability to make a successful transition and operate the vo-tech centers at the level necessary to serve the state.

He concluded his statements by saying on behalf of the board of regents that he was willing to accept the responsibility and would assure the committee he would make it a very high quality and effective system and move it to its full potential of assisting in the man power training needs of the state.

JOHN DOLUM, Superintendent of Schools, Cascade, stated although he was marked as an opponent, he would support the bill with Gene Christiaanson's amendment.

SENATOR GEORGE MC CALLUM, Senate District No. 26, stated he was the chairman of the joint interim study committee that studied this issue for the past 18 months. He noted that two years or four years ago he would have opposed the bill but he thought it was now time the question of the governance of the vo-tech centers was settled. The vo-techs are post-secondary education and should be treated as such and placed under the board of regents, he said.

LORNA FRANK, representing the Montana Farm Bureau, with over 3,500 members throughout the State of Montana, stated she supports a state level board to oversee and coordinate the funding and operation of all vo-tech centers in Montana. She expressed her concern with the proposed funding of the bill and said that Farm Bureau members who are taxpayers in the state feel that the funding for schools should come from other sources such as personal income tax or a sales tax. A copy of her testimony is attached as EXHIBIT NO. 4.

BILL MERWIN, President, Northern Montana College, rose to speak in support of HB # 39. He said he thought it was a very responsible piece of legislation that addresses a very complicated issue. He said the vision that the bill provides is very important - that economic recovery in the State of Montana is predicated on a variety of things, not

the least of which is to have an appropriately trained work force for the state's economy. And entry level job training is among the most important of all of them. He stated that vo-tech education provides the first step in the career ladder for people getting into the technological areas.

Mr. Merwin remarked that every citizen of the state has a right to some form of post-secondary education; he thought the constitution suggested that. He said providing five institutions for entry level job experience and technological training is important, but it needs to go beyond that. Baccalaureate level and associate level of training is going to become increasingly important.

He then addressed the issue of governance by saying he believes the board of regents is the appropriate governance organism to provide some oversight where long range planning, budgeting and policy analysis and ongoing program review was necessary.

DENNIS KRAFT, Missoula County Superintendent of Schools, stated on behalf of the Missoula County Board of Trustees he would like to reaffirm his support of the legislation. He noted he had supported the concept of this legislation through the last three sessions. Mr. Kraft remarked it is in the best interest of the post-secondary vo-tech centers to operate under a unified direction.

He noted if this legislation would pass that Missoula would transfer their vo-tech buildings to the board of regents as the governing institution at no cost. The third point he mentioned was his concern for the personnel, but he believes the bill addresses that adequately.

DR. DENNIS LARUM, Director, Missoula Vo-Tech Center, rose in support of HB #39. He said he finds his day to day tasks much more difficult than they would be if there were clear lines of authority and responsibility.

HARRY FREEBOURNE, Director, Butte Vo-Tech Center, stated on behalf of the board of trustees, and as the board's authorized representative he would like to place the following statement into record. "The board of trustees of Butte do not care who governs the vo-tech centers at the state level, but that they do request consideration to retain local control as they enjoy it now, either underneath the existing

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board or a new board". Mr. Freebourne went on to say that he personally, as the director of the Butte vo-tech center, supported the concept of HB # 39.

PAUL JUSTICE, Helena Vo-Tech faculty member, read his prepared statement in support of the bill, see EXHIBIT NO. 5.

PAUL STAHL, Helena, Chairman of School District No. 1, rose in support of the bill. He testified the school board originally discussed the fact of wanting to keep local control in order to keep the quality of the program up, but realized it was no longer possible because of cost. He noted the cost had started at \$22,000 but now exceeds \$400,000 to the local citizens. Mr. Stahl said he believed it is a statewide function and should be supported statewide. He advised the committee that the majority of the students who attend the Helena vo-tech are from outside the confines of the school district, and their average age is 31 years.

Mr. Stahl remarked in regard to the facilities that the school board has gone on record stating they would transfer all of their facilities to the state for the sum of (\$1) one dollar. He did note that the building is presently used for other functions, and he would want to see some sort of a mechanism to allow that.

PHIL CAMPBELL, representing the Montana Education Association, stood in support of HB #39. He stated the vo-tech centers in the state are in need of help and will die if something is not done this session. He said the centers provide a unique educational opportunity to students in this state. He noted the legislature made a commitment to the vo-tech program and the needs that it meets a long time ago and he hoped it would continue to make the necessary changes so that the vo-tech centers can continue to be a viable part of the educational process in the system. He expressed his concern that the 3 mill levy was inadequate, and hoped the committee would consider a state wide levy or some other mechanism that would help the funding of the vo-tech centers.

KELLY HOLMES, Lobbyist of the Montana College Coalition, read her prepared statement, see EXHIBIT NO. 6, in support of the bill.

JERRY WEISS, Superintendent of Schools, Great Falls, rose in support of HB # 39. He expressed some basic concerns, one being the transitional period for the staff, another the funding level and thirdly he shared the OPI concern that the

staffing at O.P.I. be left intact to continue to operate the programs for students in the high school setting.

TIM CECCONI, representing the United Student Councils for Vo-Tech Centers, read his prepared statement in support of HB #39, see EXHIBIT NO. 7. He expressed his concern that the five vo-tech centers have a voice on the board of regents, and that that individual be actively involved in vocational education. He stated he supported a move to the board of regents in the interest of a quality technical education.

KAREN DOOLEN, Chairman of the Billings School Board, rose in support of the bill. She expressed her concern about being able to keep vo-tech centers a viable education opportunity for the citizens of her community.

WAYNE GILMAN, Montana Vocational Association President, rose in support of the bill. He submitted two resolutions, one in favor of the vo-tech center funding, see EXHIBIT NO. 8, and another for the secondary funding, see EXHIBIT NO. 9.

REP. EUDAILY, REP. WILLIAMS and REP. LORY all stated they would like to go on record as proponents of HB # 39.

OPPONENTS:

REP. DAILY, House District No. 69, stated he was appearing before the committee speaking on behalf of only himself. He testified that government is only as good as the people who serve in it, and the problem with the vo-tech centers is that they have not had good administration. He exclaimed there are 2,500 students in the vo-tech system, and to put them under the board of regents is like putting 2,500 more people aboard the Titanic.

REP. HARRINGTON, House District 68, addressed the bill as a minority member on the interim study committee. He noted that the bill would be taking the vo-tech centers away from the local districts, and then increasing the levies in their counties. He said he was a member of the 1972 constitutional convention that gave the board of regents the autonomy that they have today, and if they give them the vo-tech centers they would be giving up much of the control of the centers. Rep. Harrington remarked that they were not addressing the major problem, that governance was not the major problem but that funding was. He said the university system,

Education and Cultural
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or the board of regents, are not going to subsidize the vo-tech centers. They have enough problems subsidizing their own situation.

SENATOR J.D. LYNCH, Senate District No. 34, dramatically exclaimed he was looking about him to see if there was a picture of the Custer battlefield, because Custer must have felt similar to the way he was feeling today. He informed the committee that he represents the Butte-Anaconda district and the most dreaded action that could happen there was a cave in in the mines. He remarked that he was now seeing just that---a cave in. He noted he had fought and defeated this same bill two and four years ago but now the cave in was occurring.

Sen. Lynch informed the committee that he had also served on the interim study committee, and that last September that same committee had voted 6-2 against having Northern Montana College run the vo-tech system in the State of Montana. He stressed that nobody ever mentions the good that is being done in the vo-techs but instead talk about the problems.

Money is the matter, stated Sen. Lynch. If there was enough money to fund the vo-tech centers, governance would not be discussed. He noted the local communities started the vo-techs, and are dedicated to vo-tech education. The board of regents first obligation is to the university system: they will not be for the vo-tech system. He then explained that the vo-tech goal was to try and help people get to work, not just a higher learning to get more education. It's time to put people to work he said.

DEBRA JONES, representing the Women's Lobbyist Fund, a coalition of 39 organization representing over 6,500 individuals in the State of Montana, expressed her opposition. A copy of her testimony is attached as EXHIBIT NO. 10.

NATALIE FITZPATRICK, retired business teacher, Anaconda, spoke in opposition to the bill.

QUESTIONS FROM THE COMMITTEE:

In response to a question from REP. NELSON, SUPERINTENDENT ARGENBRIGHT explained that the Carl Perkins Funds that are currently under OPI would be shared with both secondary and post secondary education.

REP. GLASER questioned Bill Merwin about a statement he had made that the constitution provided for the right for post-

secondary education. REP. GLASER remarked he didn't read that in the constitution and asked Mr. Merwin to explain where he had found it. Mr. Merwin responded that he could not but had been told that by someone. REP. GLASER requested that the minutes clearly reflect that the constitution plainly says that you have a right to a basic education in the elementary and secondary schools, and all that is required is equal access to any other school, as required under the equal protection clause of the fourteenth amendment of the constitution.

In response to a question by REP. SWYSGOOD, REP. DONALDSON explained that the rationale for having two commissioners is to have someone who oversees the five vo-tech centers. That there are individuals who now oversee the three community colleges, and he thinks it would be done in concert rather than cross purpose. He noted the individual would be accountable to the board of regents and could also be accountable to the commissioner of higher education if it was desired.

REP. DONALDSON responded to a question from REP. GLASER that it was the intent of the people who drew up the bill that the vo-tech centers would come under the administrative jurisdiction of the board of regents, and that it was his personal intent that whenever possible, facilities that are currently operated by the university system could be made available to the vo-tech centers, such as dormitories. He added that there may also be some possibility of consolidation of administration in the three cities that have vo-tech and university units.

REP. GLASER stated the purpose of his question was to determine how the bill would fit into the constitution of the State of Montana. That if the vo-techs were part of the university system, the legislature would lose its authority and if it were an assignment to the board of regents then the legislature would retain all authority. REP. DONALDSON said he was having trouble drawing the distinction, but that the constitution does give a certain amount of authority to the board of regents and higher education.

REP. GLASER remarked it was his understanding that the board of regents has all authority, except for appropriations, to operate the university system, and he did not feel comfortable giving away any more authority than the legislature has already lost. REP. DONALDSON responded that the board of regents do have considerable authority relative to

the operation of higher education, and he thought this bill would probably give them the same type of authority over the five vo-techs.

In response to a question by REP. WILLIAMS, Carroll Krause stated he believed REP. GLASER'S interpretation was correct, that the board of regents did have constitutional authority over the Montana university system. He pointed out that the bill does not place the vo-tech centers as part of the university system. He advised the committee that the constitution allow the legislature to assign additional responsibilities to the board of regents, and would maintain considerably different kind of control under those things that are assigned by the legislature versus what is assigned by the constitution. So if the legislature chooses three or twenty-three years from now to change the governance they have the right to do so by legislative action. The assignment by law means you retain the same kind of control that you currently have.

A lengthy question and answer period followed regarding the amount of state money that went into the vo-tech program the last biennium; the amount of maintenance of funding by the state if the bill were enacted; whether any consideration by the study committee was given to a state wide levy; the federal and associated matching funds that would be transferred to the board of regents as the sole state agency; whether the local voted levies remain in the county or are transferred to the state fund; negotiating the leasing of the vo-tech facilities from the local districts; and whether all counties pay into the current funding mechanism or just the counties where the vo-tech systems are located.

REP. DONALDSON closed by stating it has been a good hearing and that most of the areas had been covered. He reiterated that he would hope the committee would consider the 4½ mill versus the 3 mills. He noted there appears to be some concern relative to the staff transition, and he would be open to any suggestions to change that. He said he believed the contract wording had been worked out between OPI and the commissioner of higher education that would solve the problem of the sole state agency. He requested the committee give the bill their serious consideration as the vo-tech centers are in very serious financial problems.

CONSIDERATION OF HOUSE BILL NO. 162:

REP. KENNERLY, House District No. 9, sponsor of the bill, stated the bill was merely a housekeeping bill that was

DAILY ROLL CALL

A. J. JENSEN AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

JAN 16, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	✓		
REP. RICHARD NELSON, VICE CHRMN.	✓		
REP. FRITZ DAILY	✓		
REP. RALPH EUDAILY	✓		
REP. WILLIAM GLASER	✓		
REP. DAN HARRINGTON	✓		
REP. NANCY KEENAN	✓		
REP. ROLAND KENNERLY	✓		
REP. EARL LORY	✓		
REP. JOHN MERCER	✓		
REP. GERALD NISBET	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. BARRY STANG	✓		
REP. TONIA STRATFORD	✓		
REP. CHARLES SWYSGOOD	✓		
REP. FRED THOMAS	✓		
REP. MEL WILLIAMS	✓		

House Bill 39
Review

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL CENTERS"

NEW SECTION Section 1. Powers and Duties of Board of Regents.

(1) Establish and when necessary amend a plan for the orderly development of Vo-tech center education consistent with federal and state law.

(2) Adopt standards for courses and programs.

(3) Implement a review process for establishing and deleting programs and courses that recognize the present and future needs of employers and provides qualified graduates for positions for which there is or may in the future be a demand.

(4) Establish student entrance and graduation requirements.

(5) Appoint a director for each center.

(6) Appoint a commissioner of vo-tech center education

(7) Establish student tuition and prescribe the bases and limitations for charging of fees.

(8) Determine the amount to be paid for the lease of buildings.

(9) Adopt budget requests for the vo-tech center education system.

(10) Establish a procedure by which students can receive part of their education and training through programs, courses, and on the job training offered by the private sector and not available at the centers.

(11) Establish a system by which a qualified person in the private sector can participate in the training and teaching of students.

(12) Provide means by which centers faculty can obtain advanced education and training in new areas and either be

reimbursed for their expenses or raised to a higher salary level, or both.

(13) Establish for the various centers uniform policies.

(14) Negotiate with the bargaining representative for personnel of each center or the personnel of the center system in a manner consistent with state and federal law.

(15) Work with other institutions or higher education to implement the transfer of course credits.

(16) Adopt rules and procedures to implement this section and to carry out any other powers and duties of the board.

NEW SECTION 2. Sole state agency for federal vocational education requirements to the Board of Regents.

NEW SECTION 3. Local advisory board appointed by local school board.

NEW SECTION 4. Duties of the commissioner of vo-tech center education.

(1) Be the chief administrative officer of the Board of Regents.

(2) Employ the staff necessary for the state supervision and administration of the board's vo-tech center rules and policies.

(3) Provide supervisory and consultative assistance to centers.

(4) Report the status of vocational-technical center education in Montana when requested by the Board of Regents; and

(5) Perform any other duties assigned by the Board of Regents.

SECTION 5. Existing Center Employees.

(1) The rights of persons employed by a vocational-technical center under a collective bargaining agreement in effect prior to July 1, 1989, may not be impaired.

(2) A person employed by a center under a school district on June 30, 1989, becomes an employee of the Board of Regents on July 1, 1989.

(3) Following [the effective date (July 1987) of this section], the employees of any center may apply to the Board of Personnel Appeals for determination of the appropriate bargaining unit or units for the purposes of collective bargaining for a contract or contracts to be negotiated with the Board of Regents prior to July 1, 1989.

(4) If a person is employed by a center in any capacity on July 1, 1989, and has accumulated sick leave and years of service with a school district, such leave and years of service shall be transferred fully regardless of the length of employment with the district in which the center is located.

(Section 6 definitions (b), Page 6) - is amended to say that vo-tech center administration members are not required to be members of the retirement system.

(Section 7, definition Page 8) is an addition to read "K-12 vocational education" means vocational education in public school grades 1-12.

(Section 7, definition Page 8, and 9 lines 23-25, 1-17) Deletes the meaning of post-secondary vo-tech center, post secondary vo-tech education, post secondary vo-tech pupil.

(Section 7, definition Page 12, lines 7-13) Inserts Vo-tech centers means an institution used principally for the provision of vo-tech education to persons who qualify as vo-tech students. The centers are designed by the Board of Regents upon direction of the legislature. All other institutions are prohibited from using this title.

(Section 7, definition Page 12 lines 14-18 Inserts "Vo-tech education" means vo-tech education of vo-tech students conducted by a vo-tech center, a unit of the Montana University system, or a community college as designated by the Board of Regents.

(Section 9, Page 17 lines 5-10) Duties of OPI-Removes the consideration of applications for the designation of a postsecondary vo-tech centers from the duties of the superintendent.

(Section 10, Page 19 lines 18-19) Deletes the designation of a post secondary Vo-tech center established under the provisions of 20-7-311.

(Section 11, Page 20 lines 12-13) Deletes the minimum requirements for granting post secondary vo-tech

certificates to students from the superintendent of public instruction policies.

(Section 11, Page 20 lines 16-17) Deletes, from the superintendent of public instruction policies, the necessary qualifications that a post secondary vo-tech center director must possess.

(Section 11, Page 20 (5)) Deletes the clause "which are to receive financial assistance"

(Section 11, Page 20-21 lines 23-1) - Deletes from the superintendent of public instruction policies, criteria for receiving, reviewing , and transmitting recommendations on post secondary vo-tech center operations and budget requests to the legislature.

(Section 11, Page 21 lines 13-23) Deletes from the superintendent of public instruction policies, tuition and fees to be charged at vo-tech centers, the costs for rental of buildings for post-secondary vo-tech center purposes, and guidelines for the authority delegated by the superintendent of public instruction to the local school district board of trustees operating a post secondary vo-tech center.

(Section 12, Page 22, lines 23-15;Page -23 lines 2-15) -Defines role of K-12 state director. Deletes from the duties of the state director of K-12 vocational education is: providing a post secondary vo-tech center system policy and procedural handbook for institution operating directing the county treasure in counties where post secondary vo-tech centers are located to establish the necessary multi-fund structures for post secondary vo-tech center financial operations. Meeting with chairmen of the board of trustees, and center directors twice a year to discuss changes in superintendent of public instructions policies. Formulation and implementation of uniform fiscal student, staff, and program accounting systems for post secondary vo-tech centers.

(Section 12, Page 23 lines 18-25) Deleted from the duties of state director of K-12 vocational education is representing postsecondary vo-tech center systems to state agencies, and others when appropriate. Recommendation of staff patterns of the post secondary vo-tech centers providing for evaluation of programs in vo-tech centers.

(Section 12, Page 24 1-3) Deleted from the duties of State director of K-12 Vocational education is providing for each post-secondary vo-tech center's ability to meet employment and student vocational technical education needs.

(Section 13, Page 24 line 7) Delete District authorization and insert Authorization.

(Section 13, Page 24 lines 9-11) Insert trustees of any elementary or high school district and delete Community College district or unit of Montana University system with regard to establishment of a vocational educational course or program.

(Section 13, Page 24 lines 16-17) Insert "These must be compliance with K-12 vocational educational standards for a program to be eligible for state or federal financing."

(Section 14, Page 24 lines 19-23) Replaces "post secondary vo-tech" with "Vo-tech" and replaces "superintendent of public instruction" with "Board of Regents."

(Section 14, Page 24 lines 24-25) and Page 25 lines 1-17) Deletes procedure of Applications for designation.

(Section 14, Page 25, line 18-22) replaces superintendent of public instruction with Board of Regents, States board will recognize all post secondary vo-tech centers (as opposed to just presently designated centers) designated prior to the effective date of this act.

(Section 15, Page 26, lines 2-11) States that local administration of vo-tech centers subject to the laws of the state of Montana and the policies and rules of the board of regents. The director of a vo-tech center has administrative and supervisory over the center and shall:

(a) employ administrative personnel for the vo-tech center according to policies and rules of the Board of Regents.

(b) develop and submit a recommended budget for the vo-tech center.

(c) collect student tuition and fees

(d) recommend to the board of regents:

1) proposals regarding vo-tech programs.

2) campus development.

(e) Manage buildings at the Vo-tech center.

(f) receive and administer gifts according to plan submitted to board of regents.

(g) Perform other duties consistent with Board of Regents

(Section 15, Page 27 lines 16-21) Prohibits the director of post-secondary vo-tech center from entering into contracts which create an obligation upon the state for improvement of buildings.

(Section 16, Page 27 line 22-25, Page 28 lines 1-10) State the state of Montana, acting through the board of regents may lease for the term not to exceed 40 years any building or lands for a vo-tech center.

(Section 16, Page 28 lines 21-25 and Page 29 lines 1-10) States terms of a lease or purchase with regard to property on vo-tech center land must be agreed upon between board of regents and school districts, so must the terms of payment. The schools equity or interest in a building must be credited to the debt service at the discretion of the trustees of the school district.

(Section 17, Page 29, lines 22-24) Insert at the direction of the board of regents, the treasurer shall disburse all money received for vo-tech education.

(Section 17(b), Page 30, lines 18-24) county commissioners where vo-tech located shall levy a tax in each calander year of (was 1 1/2) new is 3 mills on the dollars of all taxable property for maintenance of vo-tech center system.

(Section 18, Page 31 lines 5-24) Deletes the sources for construction revenue.

(Section 18, Page 32 lines 9-16) Deletes powers of superintendent of public instruction to determine amount of funding and approving budgets for centers.

(Section 19, Page 32) allows the board of regents to request the establishment of the appropriate accounts for the vo-tech center system.

(Section 19, Page 33, lines 20-25 and Page 34 lines 1-3) Deletes final budget approval and deletes county commissioners authorization to levy taxes.

(Section 20, Page 34, lines 14-20) Replaces governing board with director and superintendent of public instruction with board of regents.

(Section 26, Page 39, line 18-21) Insert use by the board of regents for vo-tech center education programs in the state as provided in the biennium budget passed by the legislature.

EXHIBIT #2
DATE 1-16-87
HB #39

Gene
Christianson

SUMMARY TESTIMONY
BEFORE
EDUCATION & CULTURAL RESOURCES COMMITTEE

January 16, 1987

By: Office of Public Instruction
Ed Argenbright
Gene Christiaansen

**IMPACT OF ISSUES
SUMMARY**

Sole agent definition:

The sole agent by federal definition writes the State Plan and administers the federal projects under the Carl D. Perkins Vocational Education Act.

Federal and matching general funds support staffing in the Office of Public Instruction (OPI) for all vocational education efforts.

Current vocational education staffing is 12.12 FTE

Problem:

The transfer of governance and the assigning of the sole agency responsibilities to the Board of Regents carries with it the federal and general fund match, leaving the statutory secondary vocational education responsibilities of the Office of Public Instruction unfunded.

Staffing in OPI

Total Vocational Education Staff						
	1984	1985	1986	1987	1988	1989
FTE	19.44	18.25	17.15*	15.95*	15.95*	15.95*
Funding	Actual	Actual	Actual	Budgeted	Anticipated Under HB 39	
Gen.Fund	306,678	316,015	272,426	309,813	-0-	-0-
Fed.Fund	318,592	344,952	257,099	275,000	-0-	-0-

* Includes staff FTE for ABE/GED and JTPA services amounting to 3.83.

Solution:

Develop language in the bill that would require contracting from the sole agent to the Office of Public Instruction for the secondary vocational education federal and state efforts.

Fiscal Distribution:

One-half of the 1989 biennium funding shared from federal and state general fund match, less the federal mandated sex equity expenditure to be retained by the sole agent, or such contract language as may be negotiated between the sole agent and OPI.

Minimum FTE staff required for secondary vocational education services:

- 5 professional
- 2 clerical
- .25 accountant

IMPACT OF ISSUES

SUMMARY

Facility Concern:

The current language of Section 16, HB 39 entitled "Lease or purchase of state property for vocational-technical center purposes," carries with it a number of options to be initiated by local trustees relating to the disposition of the current center facilities. The accompanying fiscal impact of the open-ended options may influence passage of the bill.

A clarification of language may be appropriate.

Substitute language:

The state of Montana, acting through the board of regents and within legislative appropriation authority may provide for that portion of costs incurred by the school district for the construction of a vocational-technical center. Such provision may assume bonded indebtedness lease or other mutually agreeable method to transfer ownership to the state of Montana within not less than four years from the effective date of this law.

Money received by a school district for lease or sale under subsection (1) of the school district's equity or interest in a building, land, or other property must be credited to the district debt service fund, general fund, or any combination of these funds at the discretion of the trustees of the school district.

**IMPACT OF ISSUES
SUMMARY**

Concern for level funding:

Section 18 of the proposed HB 39(b) revises the current $1\frac{1}{2}$ county mill levy (MCA 20-7-324) to a 3-mill levy. At the same juncture, the local districts under current law (MCA 20-7-326) will be precluded from district-level support which has grown from \$260,777 in 1980 to \$1,613,693 in fiscal 1986.

Passage of the bill at the 3-mill county will result in an anticipated loss of \$1,559,100 in the 1989 biennium or a reduction of an estimated 7.68 percent below the 1987 biennium revenues. The final loss would be impacted greater when inflation and negotiated salaries are determined for fiscal 1988 and fiscal 1989.

Solution:

Increase the county mill levy under HB 39 Section 18(b) to $4\frac{1}{2}$ mills, thereby ensuring biennium 1987 level funding for the 1989 biennium.

Rationale:

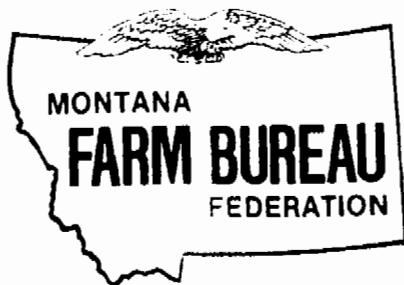
The increase in county millage offsets the local district contributions and will not result in an overall countywide tax increase. It will result in a distribution of tax effort for the county as opposed to the current concentration of tax effort at the district level.

LANGUAGE CHANGE

Amended Section 2. Sole state agency for federal vocational education requirements. The board of regents is the sole state agency for purposes of the 1985 federal Carl D. Perkins Vocational Education Act, 44 U.S.C. 2301, et seq., which requires a state participating in programs under the act to designate a state board or agency as the sole state agency responsible for administration or supervision of the vocational education program.

(1) The sole agent shall contract with the Office of Public Instruction for the administration and supervision of all secondary vocational-technical education programs, services and activities as permitted in P.L. 98-524, Sec. III(a)(1)(E), and in concert with the state plan and any future plans required by acts of congress.

(2) The sole agent may contract for the administration and supervision authority for such other vocational education programs, services and activities as may receive funding under P.L. 98-524.



P.O. Box 6400
502 South 3rd St.

EXHIBIT # 4
DATE 1-16-87
Bozeman, Montana 59715

Phone (406) 587-3134 #39

TESTIMONY BY: Lorna Frank
BILL # H.B. 39 DATE 1/16/87
SUPPORT XXX OPPOSE

Mr Chairman, members of the committee,
for the record my name is Lorna Frank,
representing Montana Farm Bureau.

Farm Bureau policy supports a state
level board to oversee and coordinate
funding and operation of all WO tech
centers in Montana.

However we also feel the funds should
come from some other source rather than
property tax, such as a personal income
tax or sales tax

Thank you

SIGNED: Lorna Frank

Testimony of Paul Justice; Helena Vo-Tech faculty member,
speaking in behalf of the five Vo-Tech center faculties.

Having reviewed HB39, we would like to go on record with the following observations:

Regarding personnel provisions, we feel that our vested rights and benefits are adequately protected and that the language does provide for an orderly transitional period to negotiate a new contract with the Board of Regents.

Pertaining to funding, we feel the provisions of HB39, which increases the five centers county levies to three mills and relies on the unpredictable contribution from the general fund, have once again failed to address the major problem of our vo-tech centers, namely; providing a stable, permanent funding base for our vo-tech system.

Changing the administrative structure from the O.P.I. to the Board of Regents without providing a specific funding base is just transferring our problems across town.

As our centers are, in fact, serving the entire state, we recommend that this bill establish a permanent source of funding for our vo-tech centers, such as a minimal state-wide mill levy and/or designating a specific percentage of a permanent revenue source towards the vo-tech center system.

We also feel that within the academic atmosphere of the Board of Regents, it would be appropriate to have some representation of the vocational education perspective at that level and we recommend at least the appointment of a vo-tech student to the board also.

As those who are closest to vocational education in our state, we offer these observations, recommendations, and our services to this committee in the hopes that this legislature will initiate the positive legislation necessary to provide a viable vo-tech system in Montana.

Respectfully Submitted,

Paul G. Justice
Helena Vo-Tech Center

Kelly Holmes
Montana College Coalition
House Bill 39

EXHIBIT # 6
DATE 1-16-87
HB # 39

Mr. Chairman, members of the Committee, for the record I am Kelly Holmes, the lobbyist for the Montana College Coalition.

We rise in support of Representative Donaldson's House Bill 39. We feel that students attending classes at vocational schools want to continue to learn; transferring the five Vo-Techs will give the Board of Regents the ability to coordinate the programs offered at each center. This also stands to improve programs at Northern Montana College, which the Regents recently voted to become the Premier Instructional School in Montana. If this measure passes these students will then be able to further their education. Thank You.

THE UNITED STUDENT COUNCIL FOR VOCATIONAL EDUCATION



House Bill #39, Representative Donaldson

In these times of economic distress, where all hands approaching these committees are extended palm up, it becomes increasingly difficult to decide who will be the "haves" and who will be the "have nots."

Our presence here today is accompanied by a strong desire to see vocational education take her rightful place in Montana's post-secondary educational system.

We have made our opinions known on the issues, namely:

1. We support a move to the Board of Regents in the interest of a quality technical education;
2. That vocational education has a valuable contribution to make to the economy of this state which is reflected in its high placement statistics;
3. That a technical education is the education of the future in a state looking for new industry because it provides an expedient, affordable means of education.

Our concerns at this point, quite frankly, are that the five vo-tech centers have a voice on the Board of Regents, so that the real needs of each center can be addressed relevantly. We would like to see this individual actively involved in vocational education.

Secondly, we would request that a student representative such as the university system has retained, be appointed to serve on the Board of Regents, to voice the concerns of his constituents.

Thirdly, we would like to see our credit hours be transferable to the university system.

Thank you.

Jim Cecconi

Vice-Pres.

Butte Vo-tech

Student Council

Butte, 404 So. Wyoming Street
Butte, Mt. 59701 792-4256 494-2894

Missoula, 909 South Ave. West
Missoula, Mt. 59801 721-1330

Billings, 3803 Central Ave.
Billings, Mt. 59102 652-1720

Great Falls, 2100-16th Ave. So.
Great Falls, Mt. 59405 791-2108

Helena, 1115 Roberts Street
Helena, Mt. 59601 442-0060



EXHIBIT # 8
DATE 3-11-87
HB # 39

Montana Vocational Association

VOCATIONAL EDUCATION PUTS KNOWLEDGE TO WORK

RESOLUTION

WHEREAS the postsecondary vocational-technical center system annually serves in excess of 3,200 enrollees who seek entry-level training, retraining and upgrading;

WHEREAS the educational services programs and activities are of a direct economic benefit to the State of Montana and its workforce;

WHEREAS the center system funding formula is predicated to a large degree upon the full-time student equivalents generated;

WHEREAS a funding reduction will have a direct impact on the availability of programs and the level of student FTEs generated;

NOW THEREFORE be it resolved

That the Executive Board of the Montana Vocational Education Association supports the current level funding of the center system for the 1989 biennium;

That the 1987 Legislature assure that the centers are not subject to a loss of revenue from appropriated budget authority or district-level support in the 1989 biennium;

That the 1987 Legislature adopt such measures as to ensure the retention of instructional staff members who provide the needed services to maintain and upgrade the State's workforce, and that

A proper governance authority be established to secure a stable future for the center system.

Hal Bilinger MVA President
Ken Curtis *Daggy Arnold* *Ken Wapstone*
Bill Datta *Korane Hammel*
Ron Higgins *Pat Datta*
Irvin Scheidt *Celia Larum*
Scott Davis *Diane Dill*
Rob Hockutt *Denny Sakas*
 Betty M. Neff



EXHIBIT # 9
DATE 3-16-87
HB # 39

Montana Vocational Association

VOCATIONAL EDUCATION PUTS KNOWLEDGE TO WORK

RESOLUTION

WHEREAS the secondary vocational education programs, services and activities serve an estimated 18,000 students in grades 9-12;

WHEREAS the educational opportunity for the secondary vocational education student population affords an opportunity for career awareness through entry-level occupational preparation;

WHEREAS 80 percent of the future workforce will require less than a baccalaureate degree;

WHEREAS secondary vocational education efforts seek to continually update and upgrade programs, services and activities; and

WHEREAS recognition has been given to the higher cost programming of vocational education;

NOW THEREFORE be it resolved

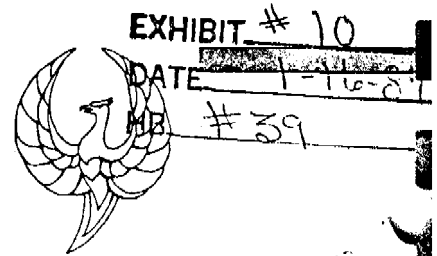
That the Executive Board of the Montana Vocational Education Association unanimously supports the continuance of the general fund appropriation of \$450,000 per fiscal year of the 1989 biennium in recognition of the benefits provided to secondary students through vocational education and that

The 1987 Legislature vote to continue the level of fiscal support at \$450,000 each year.

[Handwritten signatures]
Jimman MVA President
Ken Curtis
Bill Satter
Ron Higgins
Irwin Scheidt
Scott Davis
Bob Hackett
Peggy Arnold
K. Mapston
Roxane Shammel
Dot Dotson
Celia Larson
Dyan Dull
Jenny Sikes
Betty M. Neff

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



January 16, 1987

Testimony on HB 39

Mr. Chairman and Members of the House Education and Cultural Resources Committee:

The Women's Lobbyist Fund is concerned that funding for displaced homemaker programs and a variety of other programs which assist women will be jeopardized by transferring authority for vo-tech education to the Board of Regents of Higher Education. Therefore, the Women's Lobbyist Fund requests that specific language be included in the bill to protect these programs.

The Carl Perkins Vocational Education Act promotes sex equity in education, and funds displaced homemaker programs, entrepreneurial programs for women, and a variety of other vocational programs for women. These programs are currently administered by the Office of Public Instruction, and they are a priority of OPI. We fear that funding for these programs may be jeopardized with a transfer of authority, and that OPI's traditional expertise with these programs will be lost. The Carl Perkins Act, along with the Job Training Partnerships Act are the only major funds that exist for these programs. Without the Carl Perkins funds, there is even less room for these programs in our educational system.

These programs provide important training to women, such as displaced homemakers, who are not targeted by our traditional educational systems. Becoming a displaced homemaker is often an overnight transition from a comfortable middle income to no income and no safety net. When displaced homemakers try to enter the job market they find that their skills are rusty; they are not accustomed to thinking about how to transfer their skills learned as a mother and homemaker to a paying job; and they are often faced with age discrimination. Displaced homemaker programs have been able to teach job search skills, help homemakers find necessary training, and rebuild their self-esteem which has usually suffered when they were forced to enter a job market they weren't prepared for.

Displaced homemaker programs have a proven track record of enabling women to enter the job market and become tax payers at little cost. In Butte alone, Career Futures has served 130 women in about one year. Eighty percent of these women now have jobs or are getting further training, usually in vo-techs or higher education. Statewide, the average wage for women who have found work with the help of displaced homemaker programs is almost \$5/hour. Many of these women will repay the cost of their training through taxes on their own earnings in as little as 9 to 18 months.

The Women's Lobbyist Fund urges you to amend HB 39 to protect displaced homemaker programs and other nontraditional educational programs that promote sex equity in education.

WITNESS STATEMENT

EXHIBIT # 11
DATE 1-16-87
HB # 39

NAME Tim Ceccani BILL NO. 39
ADDRESS Butte Vo-Tech DATE 1-16-87
WHOM DO YOU REPRESENT? United Council of Vo-Tech Students
SUPPORT ~~X~~ OPPOSE AMEND ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

EXHIBIT # 12
DATE 1-16-87
HB # 39

WITNESS STATEMENT

NAME Debra Jones BILL NO. HB 39
ADDRESS P.O. Box 1099 Helena 59604 DATE 1/16/87
WHOM DO YOU REPRESENT? Women's Lobbyist Fund
SUPPORT _____ OPPOSE _____ AMEND ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

EXHIBIT # 13
DATE 1-16-87
HB # 39

SUMMARY OF HB 39 TO TRANSFER GOVERNANCE OF VO-TECHS TO
BOARD OF REGENTS

New Section 1: establishes duties of Regents and rulemaking powers.

New Section 2: establishes Regents as sole state agent for all federal vocational funds. The sole state agent must develop and sponsor the state plan for receipt of federal funds for K-12 and postsecondary. The Regents could work with OPI to determine needs, programs, and funding just as OPI currently works with the Regents and community colleges to plan for postsecondary vo-ed.

New Section 3: creates local advisory boards, to be appointed by the existing school board. This was suggested because the school boards may continue to have an interest in the facilities and may have an interest in the vo-tech employment contracts during a phase-in period.

New Section 4: creates duties for a commissioner of vo-tech education.

Section 5 (page 5): (1) provides that employees remain school district employees until July 1, 1989 (2 school years).

(2) they may set up a new bargaining unit prior to July 1989 to bargain with Regents for contract beginning July 1989.

(3) provides for automatic transfer of employee leave benefits and years of service.

Section 6: continues teacher retirement participation.

Section 7: definition section in which term "post-secondary" is eliminated.

Section 8 to 15: various "housekeeping" provisions that clarify that Superintendent governs "K-12" vocational education and Regents govern postsecondary programs, including the vo-techs.

Section 16: allows for lease or purchase of district facilities, "on demand of a district"

Section 18 (page 30): increases mandatory county mills from 1 1/2 to 3 mills in counties with a vo-tech.

Section 19 to 26: substituting Regents for Superintendent for various duties.

Section 27: repealing various duties of superintendent and local districts.

Section 28: extention of authority allows superintendent to clarify that his rules cover K-12 only.

Section 31: effective date of July 1, 1987 for transfer to Regents, with the recognition that Section 5 provides for employees remaining under district until July 1, 1989.

AM4:7013:eg

EXHIBIT # 14
DATE 1-16-87
HB # 39

50th Legislature

LC 164

STATEMENT OF INTENT

____ Bill No. ____

Section 1 of the bill requires the board of regents to adopt rules implementing the board's powers and duties. The legislature intends these rules to encompass the full range of board powers and duties and intends that the board begin the process of adopting rules prior to the July 1, 1987, effective date for implementation of the act.

The board should study the office of public instruction's postsecondary vocational-technical education rules, which are superseded by this act, since these rules may give the board guidance.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HOUSE BILL # 39DATE JANUARY 16, 1987SPONSOR REP. GENE DONALDSON

PAGE 1

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Wanda L. Lamm</i>	<i>Missoula</i>	<i>✓</i>	
<i>R. W. L. Lamm</i>	<i>Alder</i>		
<i>Bill Lamm</i>	<i>Helena</i>		
<i>Sunny John</i>	<i>"</i>		
<i>John</i>	<i>MOES CITY</i>		
<i>Maribell Krebs</i>	<i>Great Falls</i>		
<i>Paul H. Justice</i>	<i>Helena</i>	<i>X</i>	
<i>Edith D. Bulkley</i>	<i>Clancy</i>	<i>X</i>	
<i>Charlotte Heath</i>	<i>Helena</i>	<i>X</i>	
<i>Pat Dotter</i>	<i>Helena</i>	<i>X</i>	
<i>Sandy Phancy</i>	<i>Women's Lobbyist Fund</i>		<i>(amend)</i> <i>X</i>
<i>John W. Dallen</i>		<i>X</i>	<i>X</i>
<i>Karen P. Deelen</i>	<i>Belling</i>		
<i>Art Ditz</i>	<i>Belling Co-Tech</i>		
<i>Natalie Fitzpatrick</i>	<i>Anaconda</i>		
<i>Gene R. Christensen</i>	<i>Helena</i>	<i>X</i>	
<i>Kelly Holmes</i>	<i>Helena</i>	<i>✓</i>	
<i>Cassal Krause</i>	<i>Helena</i>	<i>✓</i>	
<i>Donna Seidstad</i>			

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HOUSE BILL # 39

DATE JANUARY 16, 1987

SPONSOR REP. DONALDSON

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NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Ed Argenbright	Helena	✓	
Debra Jones	Women's Lobbyist Fund		amend ✓
V. L. Lukan	Battle		
KEN DUNHAM	MT LPIV ASSN, Helena	—	—
Harold Kraft	Missoula	✓	
Jerry West	West Falls	✓	
Paul Slade	Helena	✓	
Willard Weaver	West Falls	✓	
Phil Campbell	MEA	✓	
Robert Kinnery	Chester		
Joe Munnich	Chester		
Debra Kane	Helena	✓	
Tommy Wagoner	MFT		
Al Capdeville	Helena Tech	✓	
Bruce W. Moerer	Helena - MSBA	✓	
Tom Schneider	MPEA	amend	
KATHLEEN TURELL	MFT		
Ted Plaggenburg	Helena		
Lorna Frank	Mt. Barn Bureau	✓	

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EDUCATION AND CULTURAL RESOURCES COMMITTEE

PAGE 3

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The fifth meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands, on January 19, 1987, at 1:00 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present except Rep. Kennerly who was absent and Rep. Schye who was excused; he joined the meeting later.

CONSIDERATION OF HOUSE BILL NO. 83:

REP. DOROTHY CODY, House District No. 20, sponsor of the bill stated this bill would revise the nepotism laws as they relate to school district trustees. She said this bill was introduced at the request of her constituents. She read from her prepared statement (see Exhibit 1). She further presented portions of a letter from a constituent explaining how the present law causes extreme difficulty in a small community where the residents are oftentimes related. (See Exhibit 2.) Rep. Cody said when a law becomes so restrictive that it eliminates a whole school board in one community, the law should be changed.

PROPOSERS:

PHIL CAMPBELL, representing the Montana Education Association, submitted copies of the current nepotism law. (See Exhibit 3.) He said the association supported SB 35 which passed the Senate.

Mr. Campbell said he supports page 2, part C, line 4 of HB 83, which addresses the re-employment of a person who was employed prior to his relative being elected to a board or a commission. He distributed copies of the entire nepotism law so the committee could study its definition. He explained the law as presuming that everyone is guilty and prohibits the hiring of relatives in the degrees as they are spelled out in statute. He noted a person should not be denied or hired because of a relationship, but rather if they qualify for the job, and if there is merit in giving them the job and should be allowed that opportunity. He said his major concern is that nobody lose their job if a relative is elected to serve on the school board.

RICK BARTOS, representing the office of public instruction, said they support Rep. Cody's bill. He said as the MEA indicated earlier, office of public instruction also supports SB 35. Mr. Bartos said they did, however, have a problem with HB 83 and how it deals with small rural school districts consisting of three-member boards. As the bill is written,

It was REP. MERCER'S opinion that the amendments address Rep. Swysgood's concerns. REP. MERCER moved the amendments. He said the bill as introduced is trying to get rid of the posting or newspaper ad requirement. It just allows them to place it with a radio or television ad in lieu of the posted notices. He doesn't think it is a very good way to operate a school district because things such as elections and sale of property are very legal in nature and should have some kind of formal notice. The amendments provide an option to either post the notice or publish it in a newspaper. It amends the bill from allowing them to strictly do it by radio or television thus making it optional. It requires that there be some formal notice -- either posted or published.

REP. SWYSGOOD withdrew his motion and moved that HB 121 DO PASS.

REP. LORY moved the amendments.

The question was called on the adoption of the amendments, and it CARRIED. The question was called on the DO PASS AS AMENDED motion, and it CARRIED unanimously.

CONSIDERATION OF HB 39:

CHAIRMAN SANDS appointed a subcommittee to study HB 39. Members selected to the subcommittee were: Rep. Eudaily, chairman; Rep. Schye; Rep. Glaser and Rep. Swysgood. CHAIRMAN SANDS requested the subcommittee to report back within two weeks.

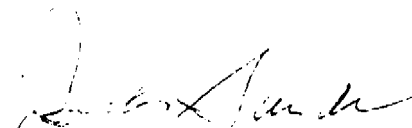
A discussion followed regarding the need for a subcommittee rather than allowing the whole committee to consider HB 39.

In response to a question, MS. MERRILL stated that copies of the interim study report dealing with this issue were available. They explain in detail the actions of the study committee.

CHAIRMAN SANDS said if the committee didn't feel there was a need for a subcommittee, they wouldn't have to have one.

REP. EUDAILY said if Rep. Donaldson has a couple of areas that needs to be reviewed, the committee could look at the report from the subcommittee of the education committee in 1985 for its recommendations.

ADJOURN: There being no further business, the meeting was adjourned at 2:30 p.m.



REP. JACK SANDS, CHAIRMAN

DAILY ROLL CALL

CIVILIZATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date JAN 19, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	✓		
REP. RICHARD NELSON, VICE CHRMN.	✓		
REP. FRITZ DAILY	✓		
REP. RALPH EUDAILY	✓		
REP. WILLIAM GLASER	✓		
REP. DAN HARRINGTON	✓		
REP. NANCY KEENAN	✓		
REP. ROLAND KENNERLY		✓	
REP. EARL LORY	✓		
REP. JOHN MERCER	✓		
REP. GERALD NISBET	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		✓
REP. BARRY STANG	✓		
REP. TONIA STRATFORD	✓		
REP. CHARLES SWYSGOOD	✓		
REP. FRED THOMAS	✓		
REP. MEL WILLIAMS	✓		

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES SUBCOMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The first meeting of the Education and Cultural Resources Subcommittee was called to order by Chairman Ralph Eudaily on January 23, 1987, at 1:00 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 39:

CHAIRMAN EUDAILY requested Andrea Merrill, legislative council staff member to review the difference between HB # 18 that was introduced in the 1985 legislative session and HB # 39 that REP. DONALDSON introduced this session.

ANDI MERRILL stated 1) In HB # 18 the vo techs were to be governed by a sub board allocated to the regents, and that in HB # 39 there is no sub board. She said the interim study committee decided that a direct line of control would be more popular. 2) The "centers" names were changed to "institutions" in HB # 18 but that subject never came up during the interim study. 2) One of the major changes in this bill was in the section on employee benefits and rights; she noted in HB # 18 the employees remained district employees for one school year and in HB # 39, in section 5 the employees would remain with the school district for two years before a transition to a state employees under the regents. 4) Section 3 of the new bill creates local advisory boards to be appointed by school trustees. This was suggested because schools will have an interest in facilities and employess. 5) Section 18 increases mandatory county mills from 1½ to 3 counties with vo tech. HB # 18 had a 2 mill statewide levy. 6) Both bills allowed the regents or (sub-board in HB # 18) to take over the duties as of July 1 of the year of the session, with only the employees remaining under local control.

CHAIRMAN EUDAILY said in discussing the two bills with REP. DONALDSON, the sponsor of HB # 39 he felt the bills were very similar but the two sections that needed the most attention by the subcommittee would be section 5, concernint the transtition period for employees, and section 18, which has to do with how to fund the vo tech schools.

CHAIRMAN EUDAILY then opened the meeting for discussion or statements from the committee before he opened the floor for suggestions from other interested persons.

REP. WILLIAMS stated in the testimony at the hearing there

Education and Cultural
Resources Subcommittee
January 23, 1987
Page Two

was no serious objection by the employees with what had been proposed in the bill of the transfer of the employees in a two year period.

In response to a question from CHAIRMAN EUDAILY, Carroll Krause stated employees should have the right to continue employment during the period they negotiate a new contract. He handed out two minor changes, see EXHIBIT # 1, that would clarify the committee's intent.

CHAIRMAN EUDAILY asked Mr. Krause if the employees benefits could be negotiated out of the contracts after the two year period. Mr. Krause replied that would not be possible.

REP. WILLIAMS moved to accept the amendment submitted by Mr. Krause on page 5, line 12, after the word "impaired" insert the following "during the period July 1, 1987 to June 30, 1989." The question was called, the motion CARRIED unanimously.

REP. WILLIAMS stated there was a proposed amendment specifying the sole agency in handling of the funds for the secondary vocational education program, as amending section 2. He said that is a point that has to be seriously considered - is the sole agency under the board of regents now? Mr. Krause explained that he thinks that language is important to make sure that secondary vocational technical education is protected. That it requires all money that comes from the federal government to be designated and transferred to the office of public instruction.

REP. SWYSGOOD inquired if the purpose was to protect the funding and the funding source for the secondary vocational technical education even though the regents are the sole agency which took it out of the OPI hands before, who was in charge of the secondary vocational education. Mr. Krause replied that he agreed. REP. WILLIAMS informed the Chairman the REP. DONALDSON had approved the amendment. REP. SWYSGOOD asked if the amendment just addressed the federal funding, or if it included the state funding. GENE CHRISTIAANSON, OPI, responded that the state funds would remain in the OPI office and would be directed from the OPI office.

REP. WILLIAMS moved a clarification amendment on the secondary vo-ed funding. The question was called, the motion CARRIED unanimously.

A question and answer period followed regarding changing the one year transition period for employees to two years.

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It was the consensus of the committee that the two year period was more agreeable.

REP. GLASER expressed his concern that the legislature retain control rather than having the board of regents have the absolute authority over vo-tech education. He proposed an amendment on page 1, line 20 and 21 where it says "the board of regents has general and supervisory control over Vo-Technical education and shall" to be changed to read "the board of regents has a delegated general administrative authority and has delegated supervisory control over the vo-technical center education and shall".

In response to a question by REP. SWYSGOOD, Andi Merrill, legislative staff member stated under the constitutional language, when the legislature delegates by law something to the board of regents they can undelegate it at any time they choose. A lengthy discussion followed regarding REP. GLASER'S concern of the loss of legislative power to the board of regents.

REP. GLASER moved to amend section 1 to read that the board of regents has delegated general administrative authority over the vo tech centers. The question was called, the motion FAILED with Rep. Glaser voting in favor and the four other members opposing the motion.

REP. EUDAILY then requested the committee move to page 30, section 18, line 21, the source of financing for vocational technical center budgets. A lengthy discussion was held regarding the various sources of revenue for vo-tech centers and the need to increase the levy from 3 to 4½ mills.

REP. SCHYE made a motion that on page 30, line 21 to increase the 3 mills to 4½ mills. REP. GLASER suggested they drop the mills and run it on a statewide basis. REP. SCHYE withdrew his motion and said he would support a state wide levy, and asked how many mills. REP. GLASER responded, two mills statewide.

CHAIRMAN EUDAILY stated he personally agreed that if the vo-tech centers are going to be state schools they should be supported the same way as state schools. He questioned whether a levy could be voted on at the same time as the university levy.

REP. SWYSGOOD said the whole reason the vo-techs are being brought under the board of regents is to give them direction and more state control over them. He stated the

Education and Cultural
Resources Subcommittee
January 23, 1987
Page Four

committee need to look at the state wide levy due to the fact that the counties are not going to go along with a raise in their mandated levy. He also expressed concern about putting both of the mill levies on the same ballot as Rep. Eudaily has suggested because it was his feeling that there would be a lot more people out there to support the 6 mill university levy than there would be the 2 mill vo-tech levy, and if they are at the same time there might be a counter action there.

REP. WILLIAMS stated in view of the fact that there is a serious hangup whether the committee would recommend to go district or statewide levy, he would like to suggest a compromise on the basis of 66 and 2/3 percent of the students are in the counties where the vo-tech centers are located, and 33 and 1/3 percent are located outside those counties, so levy a statewide mill levy that would take 33 and 1/3 percent of the cost and and the rest to the counties. He said there isn't a fairer way to do it.

REP. GLASER noted the only problem with that is that the children are not spread equitably across the state, and the reasons there are more kids in those counties where the vo-techs are located is because that is where they live.

CHAIRMAN EUDAILY asked whether a two mill statewide levy would kill the bill - the representatives from the university system and the vo-tech center director agreed it would. A lengthy discussion followed regarding various options that were proposed to fund the vo-tech centers.

CHAIRMAN EUDAILY stated it was the consent of the committee to hold another meeting so he would charge the representatives in the education system to give the committee members the benefit of their knowledge and support in helping solve the problem of financing. He scheduled the next meeting to be held Monday, January 26, 1987.

ADJOURNMENT: There being no further business to come before the committee the meeting was adjourned at 2:36p.m.


REP. RALPH EUDAILY, CHAIRMAN

DAILY ROLL CALL
EDUCATION AND CULTURAL RESOURCES SUB
COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date JANUARY 21, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN			
REP. RICHARD NELSON, VICE-CHRMN.			
REP. FRITZ DAILY			
REP. RALPH EUDAILY CHAIRMAN	X		
REP. WILLIAM GLASER	X		
REP. DAN HARRINGTON			
REP. NANCY KEENAN			
REP. ROLAND KENNERLY			
REP. EARL LORY			
REP. JOHN MERCER			
REP. GERALD NISBET			
REP. JOHN PHILLIPS			
REP. TED SCHYE	X		
REP. BARRY STANG			
REP. TONIA STRATFORD			
REP. CHARLES SWYSGOOD	X		
REP. FRED THOMAS			
REP. MEL WILLIAMS	X		

DAILY ROLL CALL
EDUCATION AND CULTURAL RESOURCES SUB-
COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date JAN 23, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN			
REP. RICHARD NELSON, VICE CHRMN.			
REP. FRITZ DAILY			
REP. RALPH EUDAILY	✓		
REP. WILLIAM GLASER	✓		
REP. DAN HARRINGTON			
REP. NANCY KEENAN			
REP. ROLAND KENNERLY			
REP. EARL LORY			
REP. JOHN MERCER			
REP. GERALD NISBET			
REP. JOHN PHILLIPS			
REP. TED SCHYE	✓		
REP. BARRY STANG			
REP. TONIA STRATFORD			
REP. CHARLES SWYSGOOD	✓		
REP. FRED THOMAS			
REP. MEL WILLIAMS	✓		

EXHIBIT # 1 }
DATE 1-23-87
HB # 39
SUBCOMMITTEE
CARROLL KRAUSE

Amend HB 39 as follows:

Page 5, line 12, after "impaired" but before the period
insert the following

"during the period July 1, 1987 to June 30, 1989."

Page 5, line 16, after the comma insert the following:

"the board of regents or"

Sub-
COMMITTEE

DATE JAN 23 1987

SPONSOR Red Doxalosol

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES SUBCOMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The second meeting of the Education and Cultural Resources Subcommittee was called to order by Chairman Ralph Eudaily, on January 26, 1987, at 1:00 p.m., in Room 312-D of the State Capitol.

ROLL CALL: All members were present.

CHAIRMAN EUDAILY announced that Andrea Merrill, the legislative council staff member had some amendments she would review very quickly with the committee.

ANDREA MERRILL stated that the amendment sheet she was reviewing were the amendments the committee had voted on at their last meeting except for No. 2, which would be placed on page 5, line 17. She said that amendment had been handed in by Carroll Krause, Commissioner of Higher Education to suggest that following the effective date of the act that employees or the board of regents may apply to the personnel appeals for determining the bargaining unit. She commented from previous discussions on the matter that anyone could request that work convene on bargaining units, and that was the reason the board of regents requested that clarification. That it would simply be adding the words "or the board of regents" on line 17.

PHIL CAMPBELL, Montana Education Association, explained the employer always has the option if they think the employee organization does not truly represent the employee's, to make that challenge.

CHAIRMAN EUDAILY then reviewed the amendments as follows; No. 1) on page 5, line 12, it is simply to reinstate the fact that the rights of the person employed under the protective bargaining agreement, in effect during the period from July 1, 1987 to July 1, 1989 may not be impaired. No. 2) page 5, line 17, had just been discussed by Andi Merrill, No. 3) on page 4, line 2, is simply the request to make two subsections under that section, which is simply to place a (1) after "requirements" which would make sub "(1)". And then on page 4, line 3 to strike "1985" and insert "1984" because "1984" is the correct date for the federal "CARL PERKINS VOCATIONAL EDUCATION ACT" and not "1985", it would merely be a technical correction. No. 4) would be on page 4, lines 4 and 5, strike after the word "act" the 44 U.S.C over through S.C.Q. on line 5 and insert "as may be amended" which simply gives the continuing process to the Carl Perkins Act instead of having to come back every two years

Education and Cultural
Resources Subcommittee
January 26, 1987
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and rework it, the amendment would automatically take it into consideration. No. 5) on page 4, between line 8 and 9, insert the amendment which has to do with the secondary v- ed K-12 vocational education. And lastly the statement of intent would give them rule making authority in the last part of the bill.

ANDI MERRILL stated in the first section, page 3, no. 16, says "adopt rules and procedure to implement this section" and it would be a whole new rule making area for the board.

CHAIRMAN EUDAILY announced that Ms. Merrill had worked up some options for vo-tech funding, see EXHIBIT # 1. He asked Ms. Merrill to go over them quickly and then the committee would break them down.

ANDI MERRILL stated that Option # 1, was what $4\frac{1}{2}$ county mills would generate using the value of mills that the LFA had used as an estimate of the value of mill for their budget analysis. She noted that there would be \$91 thousand and dollars lost in funding to the vo-techs even using the $4\frac{1}{2}$ mills over what they said they actually used in 1986. Option # 2, is the $1\frac{1}{2}$ mills mandatory - and then 3 mills on each district, just the boundaries of the former high school district. Option # 3, is as the bill currently reads, a mandatory 3 mills county wide; she noted she used the 1987 value of mills so there is almost \$900 thousand dollars loss and that is why people have stated they need the $4\frac{1}{2}$ mills rather than 3. Option #4, is $1\frac{1}{2}$ mandatory mills on the county and $1\frac{1}{2}$ mandatory mills on the districts and that would be significantly less than 1986, because the district values have dropped as have the taxable valuations in some of the counties. Option # 5, would be $1\frac{1}{2}$ mills district voted, but somehow freezing the obligation that the districts had in 1986.

CHAIRMAN EUDAILY asked if the committee had any additional suggestions or ideas. REP. WILLIAMS questioned if Option # 2 - actually amounted to $4\frac{1}{2}$ county wide, not including the district, or were they separated. Ms. Merrill replied they would be separating them out, $1\frac{1}{2}$ on the whole county and just 3 mills on the boundaries of the former high school district. The committee discussed at great length the pros and cons of the five proposed options.

REP. SWYSGOOD stated that the discussion could go on until doomsday and still not arrive at the correct answer. He said he thought the committee was looking at an interim situation of transferrring the vo-tech centers from local

control to state control and he thought the funding should be looked at in that perspective. Due to the fact that what is in place seems to be short funded, he thought it could be lived with if it were sunsetted after the transition takes place, because the question of funding is going to have to be addressed again after it is taken out of local control. He suggested the committee consider Option # 5 and sunset it.

REP. GLASER noted that the communities who have vo-tech centers are not keeping the money that they are putting into them now - that it adjusts the general fund so all the vo-techs are being supported from one fund. He also recommended the committee to accept Option # 5.

REP. SANDS questioned if the state would actually obtain title to the buildings that are owned by the vo-tech centers. REP. EUDAILY noted that two of the centers stated they were willing to give the buildings to the state, and the others have some bonds to be paid for or else there is a provision for leasing them. GENE CHRISTIAANSON stated there are a number of options in the current bill, not the least of which was a lease for the square footage, another one is to pay off the bonds, another one to buy the building outright based upon what the board of trustees would prefer to do in negotiations with the board of regents.

REP. GLASER referred the committee discussion back to Option # 5, he said the decision that had to be made was going to be on the basis of politics and if they could leave the money issue out they could come back in a couple of years and address it then.

REP. SANDS noted he had problems with Option # 5, because it would be like having the Dillon high school district pay for Western Montana College, and these are going to be state institutions, and you are not only going to say that the local school district people are going to support them but you are going to say they have to support them through a mandatory levy.

REP. SWYSGOOD stated that was his point also, that the vo-tech is being moved to the board of regents, which is taking away local control and their incentive to support the vo-tech in the form of levies. And since it is being moved to the state, they should take on their share of providing the funding somehow or other. That is impossible to do now, so therefore we should sunset this issue for two years and let

Education and Cultural
Resources Subcommittee
January 26, 1987
Page Four

the transition take place. This is the price the districts are going to have to live with to get rid of these institutions, which is what I have been hearing they want to do.

REP. SANDS said he thought the districts should be given the option of whether they wanted to support the vo-techs or not.

REP. EUDAILY asked if the district had the option and they did not vote for the extra millage, would that mean that the vo-tech would be supported out of the general fund or would it mean automatic closure of the vo-tech. Rep. Sands replied he thought it would mean either an automatic closure or a drastic reduction in the programs.

REP. EUDAILY remarked that perhaps the vo-tech centers could operate without some voted levy but it would be pretty tough. He stated that there are going to have to be some sacrifices made if the state changes to a new system, and the districts want a new system. He said perhaps the districts would be willing to accept this if they had the promise that two years down the line they can fight it through the legislature to provide statewide funding.

REP. WILLIAMS stated he couldn't accept Option # 5, if it would be left up to the voters on a voted levy, because if it wasn't mandatory there would be no assurance of the funding under Option # 5. He said if the total voted mill levy in 1986 in Option # 5 was a mandatory levy it would bring in more money than Option # 2.

REP. SCHYE said it was his understanding that Option # 5, instead of being a 3 mill mandatory, would make Great Falls, 2.7 mills - Helena, 4.6 mills - Billings, 1.3 mills and Butte, 7 mills and those would be mandatory and would have to be in the law.

REP. SCHYE moved that the committee accept Option # 2. Rep. WILLIAMS seconded the motion. CHAIRMAN EUDAILY asked if that was with the understanding that the district mills would be a mandatory millage for the next two years and sunsetted at the end of two years, and would the mills would go into the pool. REP. SCHYE answered yes. REP. WILLIAMS said he wasn't sure it would have to be sunsetted. CHAIRMAN EUDAILY said if they would want to change it in two years they could come back and change it.

REP. SWYSGOOD voiced his objection to Option # 2 fact that with the exception of Great Falls everybody benefits quite

Education and Cultural
Resources Subcommittee
January 26, 1987
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greatly. However Great Falls is looking at an additional levy of \$27,000 thousand dollars.

REP. SANDS stated if it is to be a truly transitional bill, the committee should adopt Option # 5 with one exception; and that is to provide that the local voted levies will continue to be voted, with the understanding that they would go into a pool and they would be used for a system wide bank.

REP. SCHYE asked if Billings would vote their levy down, would they still get a share of the rest of the pool. CHAIRMAN EUDAILY commented that they would all vote the levy down. REP. SANDS stated you would have to say that the local voted levy could only be used in the local district.

REP. WILLIAMS made a substitute motion that Option # 1, or a county wide $4\frac{1}{2}$ mill levy be adopted. The question was called, the motion FAILED with Rep. Williams and Rep. Schye voting in favor and Rep. Eudaily, Rep. Glaser and Rep. Swysgood opposing.

CHAIRMAN EUDAILY noted that the committee was back to the original motion to accept Option # 2 which included the changes that were necessary, to pool the money, to be a mandatory levy on the district and to be sunsetted. He asked REP. SCHYE if that was all included in his motion. REP. SCHYE replied that he did not include the sunset. After discussion on the option, REP. SCHYE withdrew his motion.

CHAIRMAN EUDAILY stated because of the fact that $33\frac{1}{3}$ of the students come state wide and $66\frac{2}{3}$ come from within the county, that is the reason they should look at it being a county wide levy instead of a district levy. He said he tends to lean towards either Option # 1 or Option # 3. That either one of those options would fit into the pooling of the money which is what they are trying to achieve. He said he would recommend a sunset because it would force someone to take a look at the issue down the line of statewide funding. After the board of regents had the chance to have control for two years people would be in a better position to know if they wanted to fund it as a state supported program. The committee discussed further their reasons for supporting or not supporting the various options that had been presented.

REP. SWYSGOOD stated he was going to make one more spiel for Option # 5 - that he really didn't like it but he liked it better than any of the other options. He said regardless of what CI-105 says, just because it has been interpreted differently it still needs to be addressed. He felt

Education and Cultural
Resources Subcommittee
January 26, 1987
Page Six

if the committee would accept any of the other options, especially if they mandated a 3 mill county levy then they would kill the bill. He said if they were going to pass the bill and if the bill was to have some meaning to it, it would have to be funded, and Option # 5 would not fund it.

REP. WILLIAMS made a motion to reconsider Option # 1. CHAIRMAN EUDAILY noted that that would simply put it back among the other options for consideration. The question was called, the motion CARRIED with 3 favorable and 2 opposing votes.

REP. WILLIAMS then moved to adopt Option # 1. CHAIRMAN EUDAILY explained that on page 30, line 21 they would be substituting 4½ county mills in place of 3 county mills. The question was called, the motion CARRIED, with REPS. EUDAILY, SCHYE and WILLIAMS voting in favor and REPS. GLASER and SWYSGOOD voting no.


REP. RALPH EUDAILY, CHAIRMAN

OPTIONS FOR VO-TECH FUNDING

ASSUMPTION BASED ON 1986 FISCAL DATA:

\$1,589,428	total voted - expended in 1986
903,288	total county millage expended
<u>\$2,492,716</u>	total millage expended by vo-techs

OPTION 1: 4 1/2 COUNTY MILLS

\$2,492,716	total millage expended by vo-techs (1986)
-2,400,873	funding available from 4 1/2 county mills (1987)
<u>\$ 91,843</u>	less funding than 1986

OPTION 2: 1 1/2 COUNTY MILLS/3 DISTRICT MILLS

ASSUMPTION: \$433,871,006 = total district taxable value (1987)

\$ 433,871	value of one mill (average)
x3	
<u>\$1,301,613</u>	*funding available from 3 district mills
+ 800,291	value of 1 1/2 county mills (1987)
<u>\$2,101,904</u>	
 \$2,492,716	 voted and county mills (1986)
-2,101,904	1 1/2 county mills and "3" district mills
<u>\$ 390,812</u>	less funding than 1986, or \$78,162 per unit

OPTION 3: 3 COUNTY MILLS

\$2,492,716	expended by Vo-Techs (1986)
1,600,582	value of 3 county mills (1987)
<u>\$ 892,134</u>	less funding than 1986

OPTION 4: 1 1/2 COUNTY MILLS/1 1/2 DISTRICT MILLS

\$2,492,716	expended by vo-techs (1986)
-1,451,098	\$800,292 county/\$650,806 districts
<u>\$1,041,618</u>	less funding than 1986

OPTION 5: 1 1/2 COUNTY MILLS/DISTRICT VOTED FUNDS
FROZEN AT 1986 LEVEL

\$1,589,428	total voted (1986)
800,291	1 1/2 county (1987)
<u>\$2,389,719</u>	
\$2,492,716	expended (1986)
<u>-2,389,719</u>	
\$ 102,997	less funding than 1986

Table 6 lists the estimated revenue by source for each center to fund current level at 95 percent support in the 1989 biennium.

Table 6
Estimated Revenue by Center
1989 Biennium

Fiscal 1988	Billings	Butte	Great Falls	Helena	Missoula	Total System
Tuition	\$ 330,750	\$ 273,375	\$ 270,000	\$ 444,150	\$ 388,800	\$1,707,075
County Millage	332,403	55,682	137,798	103,392	171,016	800,291
Education Trust Interest	154,353	127,302	125,711	206,866	181,405	795,637
Federal Vo-Ed	128,910	121,613	122,221	107,743	326,987	807,474
General Fund	739,866	799,486	753,078	1,237,522	845,019	4,374,971
Total Revenue	\$1,686,282	\$1,377,458	\$1,408,808	\$2,099,673	\$1,913,227	\$8,485,448
Fiscal 1989						
Tuition	\$ 345,450	\$ 285,525	\$ 282,000	\$ 463,890	\$ 406,080	\$1,782,945
County Millage	335,727	56,239	139,176	104,426	172,726	808,294
Education Trust Interest	166,239	137,105	135,391	222,795	195,374	856,904
Federal Vo-Ed	250,000	165,000	168,000	310,000	145,000	1,038,000
General Fund	579,660	721,034	673,993	988,901	989,151	3,952,739
Total Revenue	\$1,677,076	\$1,364,903	\$1,398,560	\$2,090,012	\$1,908,331	\$8,438,882

Tuition

The annual tuition rate used in the current level analysis is \$675 for fiscal 1988 and \$705 for fiscal 1989. The tuition cost for fiscal 1986 was \$564 and for fiscal 1987 was \$594. The tuition rates reflect those recommended by the Office of Public Instruction, and are an increase of 19.2 percent from the 1987 biennium rate to the 1989 biennium rate. A survey of surrounding states' tuition costs for postsecondary vocational-technical centers indicates that rates are higher in surrounding states. Although students are being asked to increase their contribution, costs in Montana will still be lower than the average in the surrounding states by approximately 1.4 percent. The revenue from tuition represents an increase of \$458,580, or 14.7 percent over the last biennium, primarily because of the proposed tuition increase. Tuition revenue represents 20.6 percent of total revenue.

County One and One-Half Mill Levy

Section 20-7-324, MCA, authorizes the county commissioners in each county in which a vo-tech center is located to levy one and one-half mills for the support and maintenance of the center located within that county. The legislature during Special Session III amended that section to change the levy from permissive to mandatory. The Superintendent of Public Instruction has been given the authority by the legislature to transfer millage revenue collections from centers that exceed the appropriated revenue amount to those centers undercollecting. Language in the general appropriations act also requires a general fund reversion equal to the amount

Table 11
Additional Voted Mill Levy Contribution to Centers' Funding
Fiscal 1986

Source	Billings	Butte	Great Falls	Helena	Missoula	Mill Levy Reversion	Act FY86 Total	% of FY86 Funding
Gen Fund	\$ 841,568	\$ 802,389	\$ 806,823	\$1,330,262	\$ 907,687	\$(48,055)	\$ 4,640,674	45.9
Tuit & Fees	292,769	234,187	252,022	380,187	337,510	-0-	1,496,675	14.8
County Mill	320,811	76,579	144,445	96,684	216,714	48,055	903,288	8.9
Educ Trust	180,790	141,410	151,255	218,380	203,165	-0-	895,000	8.8
Fed Vo-Ed	23,036	68,662	117,216	55,096	325,260	-0-	589,270	5.8
Voted Levy	227,088	253,054	206,821	292,322	610,143	-0-	1,589,428	15.7
	(1.3) 213,374	(5) 51,053	(2.1) 96,297	(4.5) 64,456	(4.2) 144,476			
Total Funds	\$1,886,062	\$1,576,287	\$1,678,582	\$2,372,931	\$2,600,479	\$ -0-	\$10,114,335	100.0

Table 12 shows the fiscal 1986 mill levy figures and the amount which remains in the trust accounts. Mill levy expenditures are made from the operations funding pool which includes both appropriated funds and voted mill levy funds, making it difficult to determine actual general fund expenditures for the vocational technical centers.

Table 12
Additional Voted Levy - Vo-Tech Centers
Fiscal 1986

Center	Authority Requested	Total Collections	Total Deposited	Actual Expended	FY End Trust Account
Billings	\$ 295,491	\$ 269,743	\$ 234,391	\$ 227,088	\$379,134
Butte	271,549	254,549	254,549	253,054	1,473
Great Falls	237,000	237,000	225,000	206,821	19,000
Helena	329,130	329,130	291,854	292,322	42,815
Missoula	670,000	551,340	607,900	610,143	20,066
Total	\$1,803,170	\$1,641,762	\$1,613,694	\$1,589,428	\$462,488

To appropriately account for the vocational-technical voted mill levy funds and for general funds, the additional mill levy funds should be accounted for in a separate responsibility center in the statewide budgeting and accounting system. No funds increase or decrease as a result of this issue.

Option A: Direct the vocational-technical centers to account for voted mill levy expenditures separately from current unrestricted funds appropriated by specific dollar level in the general appropriations act and pay plan bill.

Option B: Make no change.

POST SECONDARY VOCATIONAL TECHNICAL CENTERS

Page 7

POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS

Expenditures by Center	Actual	Appropriated	- - Current Level - -		% Change
	Fiscal 1986	Fiscal 1987	Fiscal 1988	Fiscal 1989	1987-89 Biennium
Billings	\$1,658,974	\$1,736,993	\$1,686,282	\$1,677,076	(1.0)
Butte	1,323,227	1,349,012	1,377,458	1,364,903	2.6
Great Falls	1,471,761	1,445,418	1,408,808	1,398,560	(3.8)
Helena	2,080,609	2,092,055	2,099,673	2,090,012	0.4
Missoula	1,990,336	1,973,014	1,913,227	1,908,331	(3.6)
Total Expenditures	\$8,524,907	\$8,596,492	\$8,485,448	\$8,438,882	(1.1)
Fund Sources					
General Fund	\$4,640,674	\$4,260,472	\$4,374,971	\$3,952,739	(6.4)
Tuition Fees	1,496,675	1,544,765	1,707,075	1,782,945	14.7
County Millage	903,288	868,314	800,291	808,294	(9.2)
Education Trust	895,000	1,115,467	795,637	856,904	(17.8)
Federal Vo-Ed Funds	589,270	807,474	807,474	1,038,000	32.1
Total Funds	\$8,524,907	\$8,596,492	\$8,485,448	\$8,438,882	(1.1)
ISSUES:					
	Fiscal 1988		Fiscal 1989		
	General Fund	Other Funds	General Fund	Other Funds	
1. Leg. Funding Level					
Option A: 100 percent level	\$441,971	\$ -0-	\$444,152	\$ -0-	
Option B: Current level	-0-	-0-	-0-	-0-	
2. Tuition Rate					
Option A: 1987 tuition level	\$204,849	\$(204,849)	\$280,719	\$(280,719)	
Option B: Current level	-0-	-0-	-0-	-0-	
3. Voted Mill Levy	N/A	N/A	N/A	N/A	

Montana's five Postsecondary Vocational-Technical Centers in Billings, Butte, Great Falls, Helena, and Missoula collectively serve approximately 2,500 students annually. The vo-tech centers' budgets are estimated with a funding formula developed by the Legislative Finance Committee and implemented with few modifications in the 1983 session. Due to the 5 percent general fund and pay plan reductions for fiscal 1987, the effective rate of support for the funding formula was 95 percent. The current level analysis applies a 95 percent funding formula support level, resulting in a 1.1 percent decrease in the 1989 biennium when compared with the 1987 biennium appropriations.

Three centers show decreases, while Butte and Helena show slight increases. In the 1987 biennium, Butte had no capital equipment budget because construction funds were available for equipment. In the 1989 biennium capital equipment funds for Butte result in the budget increase. The enrollment projections for Helena show a slight increase over fiscal 1986, resulting in a small budget increase. The decreases in the other three centers' budgets are due to declining enrollment projections.

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The ninth meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands, on February 2, 1987, at 1:00 p.m., in Room 312-D of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 263:

REP. BOB BACHINI, House District No. 14, sponsor of the bill, stated the bill merely changes one word from "shall" to "may". He said the reason the bill was submitted was that some school districts do charge for non-public school children to ride a bus and some do not at the present time. If there is any additional cost to the school district, there should be a charge.

There were no further proponents to the bill.

OPPONENTS:

ERIC FEAVER, President, Montana Education Association, stated he was opposed to this piece of legislation. He thinks it is appropriate for public institutions to charge those who do not use the public institution for their services.

QUESTIONS FROM THE COMMITTEE:

A question and answer period followed concerning whether the school district would have to pay additional liability insurance. It was stated they wouldn't. The fact that some school districts already provide transportation to those non-public students, with charges ranging from \$1 to \$50 was also discussed.

REP. BACHINI closed by saying he thought the people who used private schools were paying a fair share of the taxes; that he was not asking the school districts to go out of their way or add new buses etc.; and that the bill was giving the local governing body the option to make the decision in the matter.

CONSIDERATION OF HOUSE BILL NO. 273:

REP. RICHARD NELSON, House District No. 6, stated the bill was being presented at the request of the OPI and deals with allowing the superintendent to determine tuition for special education students who are coming from out of the district to participate in particular education programs.

Education and Cultural
Resources Committee
February 2, 1987
Page Three

Montana stated he opposed the bill because it is unnecessary legislation. The local school board currently has the option of setting the beginning of their school calendar.

BOB ANDERSON, School Boards Association, opposed HB # 237. He stated that anyone can approach their local school board and say it is in the best interest of the community to open school after Labor Day.

CHRISS MATTOCKS, Superintendent of Schools in Cut Bank, rose in opposition to the bill. He stated that it is a local control issue.

JUDY FENTON, elementary school principal, and President of elementary school principals rose in opposition to the bill.

QUESTIONS FROM THE COMMITTEE:

A lengthy discussion was held regarding the pros and cons of starting school before Labor Day.

REP. HARRINGTON closed by stating he is a real staunch backer of education and would never introduce a bill that he felt would discriminate against the control of the local districts, but the state should recognize that the tourist industry is a major part of our economy and the committee should look at the benefit to that industry.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 273:

REP. NELSON moved the statement of intent on HB # 273. The question was called, the motion CARRIED unanimously. REP. NELSON then moved DO PASS on HB # 273; the motion CARRIED unanimously. See EXHIBIT # 2.

ACTION ON HOUSE BILL NO. 39:

ANDREA MERRILL, legislative council member, handed out the amendments that the education subcommittee had adopted, see EXHIBIT # 3.

REP. WILLIAMS moved that HB # 39 DO PASS. REP. EUDAILY moved that the amendments DO PASS. He explained that the 1st, 2nd and 3rd amendments were technical amendments; that the 4th amendment was to solidify the K-12 vocational education program. He noted on page 30, line 21, the subcommittee had voted to strike 3 mills county wide and insert 4½ mills

Education and Cultural
Resources Committee
February 2, 1987
Page Four

county wide for the funding of the vo-tech centers. He also moved the statement of intent, see EXHIBIT # 4. CHAIRMAN SANDS called for discussion on the statement of intent. The question was called, the motion on the statement of intent CARRIED unanimously.

CHAIRMAN SANDS asked for discussion on REP. EUDAILY's motion to adopt the subcommittees's amendments to HB # 39. REP. SWYSGOOD moved to segregate No. 7 from the rest of the amendments. REP. WILLIAMS opposed the motion because he said it was the heart of the bill. CHAIRMAN SANDS stated since it was the decision of the chair to segregate amendments, hearing no objection, he would segregate No. 7. He then called for further discussion on amendments 1 through 6. The question was called; the amendments were adopted.

REP. WILLIAMS moved that amendment No. 7 be adopted. CHAIRMAN SANDS called for discussion. REP. HARRINGTON stated he felt there was some serious financial problems. He would like to see where the money was going to come from to finance these centers since even 4½ mills will not do that. He said the legislature was going to have to put a great deal of money into them unless they were going to start shutting down some vo-tech centers.

REP. EUDAILY said he supported REP. WILLIAMS motion and noted even if they accept the 4½ county wide mills, the vo-techs will have \$91,843 less funding than they spent in 1986.

REP. GLASER offered a substitute motion to accept Option #5 of the various proposed options for vo-tech funding, see EXHIBIT # 5. He said if Option # 1 were to prevail then it would put a burden on the taxpayers of Yellowstone County.

REP. EUDAILY stated that one reason the subcommittee accepted Option # 1 (he noted there was a 3-2 split on the vote) was because Option # 5 would have required some re-writing of the language in the bill since the district funds are not handled in the same way as the county wide funds are handled. They do not go into a pool and that was one of the advantages of putting it under the board of regents.

CHAIRMAN SANDS questioned REP. GLASER if he wanted to allow the districts to continue to vote on whether they want to fund that levy or if he wanted to make it mandatory in his amendment. REP. GLASER stated he would agree to have it a voted levy because he had faith in the voters that they would support their vo-tech centers. CHAIRMAN SANDS stated without objection the committee would consider his amendment

modified to provide that the district portion can be voted.

A discussion followed regarding whether the levy should be voted or mandatory.

CHAIRMAN SANDS spoke in support of the amendment. He said he thought the committee had to recognize that the state is moving from a system that is district controlled and partially district funded; partially county funded; and mostly state funded to a system that will be state controlled as well. He urged the committee's support of the amendment.

The question was called on REP. GLASER'S substitute amendment, the motion FAILED with 3 favorable to 15 opposing votes.

CHAIRMAN SANDS reverted to the original motion of REP. WILLIAMS to adopt amendment No. 7, the 4½ county wide mills. The question was called, the motion CARRIED with 13 favorable to 5 opposing votes.

A discussion was held on the leasing of the vo-tech buildings in the various centers.

REP. NELSON said he would like to address page 24, section 14 that deals with the vo-cational technical center designation, which states that vocational technical centers will be designated by the board of regents, etc. He stated if you draw a 150 mile radius circle around each of the 5 vo-tech centers, you will find a situation in which the state does not need 5 vo-tech centers anymore than it needs 6 units of the university system. He said that on a map that 4 of the vo-tech centers fall within a common service area. REP. NELSON then moved to amend on page 25, subparagraph 2 that the board of regents be directed to designate one of those 4 centers that are in the common service area as the Montana Vocational Technical Center and that it be state funded.

REP. WILLIAMS said he would have to oppose the amendment as it would be another way of killing the bill. REP. EUDAILY said he would have to oppose the amendment because he thinks the bill is trying to allow the board of regents to use their best judgement to set up what is needed in the vo-tech centers throughout the state, and this amendment would be telling them exactly how the legislature wants them to do it. The question was called on REP. NELSON'S amendment, the motion FAILED on a voice vote.

Education and Cultural
Resources Committee
February 2, 1987
Page Six

CHAIRMAN SANDS submitted additional amendments on HB # 39,
see EXHIBIT # 6.

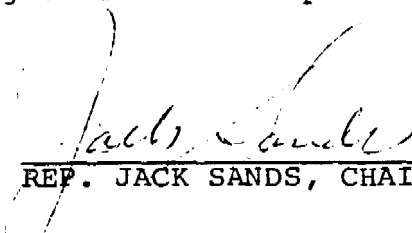
A discussion was held regarding whether the vo-tech directors
are employed by the school districts or the board of regents.

CHAIRMAN SANDS moved the amendments that he had proposed. A
discussion was held on his proposal to consolidate post sec-
ondary vocational technical education facilities. CHAIRMAN
SANDS stated that what the amendment does is to direct the
board of regents to report to the 51st legislature on the
stated concerns. He noted there are 5 vo-tech centers that
serve about 2,500 students and that there is some duplication
in those services and could be some consolidation done that
would still provide students with good vo-tech educational
opportunities.

REP. LORY stated he was in agreement with the concept but
that it should be a resolution and he would support that.
The question was called, the motion FAILED with 5 favorable
and 13 opposing votes.

REP. WILLIAMS moved that HB # 39 DO PASS AS AMENDED, the
motion FAILED with 7 favorable and 11 opposing votes. A
motion was made to reverse the standing committee report
to read DO NOT PASS AS AMENDED.

ADJOURNMENT: There being no further business to come before
the committee the meeting adjourned at 2:45 p.m.



REP. JACK SANDS, CHAIRMAN

DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date FEB 2, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	✓		
REP. RICHARD NELSON, VICE CHRMN.	✓		
REP. FRITZ DAILY	✓		
REP. RALPH EUDAILY	✓		
REP. WILLIAM GLASER	✓		
REP. DAN HARRINGTON	✓		
REP. NANCY KEENAN	✓		
REP. ROLAND KENNERLY	✓		
REP. EARL LORY	✓		
REP. JOHN MERCER	✓		
REP. GERALD NISBET	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. BARRY STANG	✓		
REP. TONIA STRATFORD	✓		
REP. CHARLES SWYSGOOD	✓		
REP. FRED THOMAS	✓		
REP. MEL WILLIAMS	✓		

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE FEB. '2, 1987

BILL NO. HB # 39

NUMBER 1

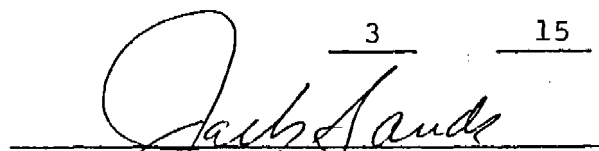
NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	X	
REP. RICHARD NELSON, VICE CHAIRMAN		X
REP. FRITZ DAILY		X
REP. RALPH EUDAILY		X
REP. WILLIAM GLASER	X	
REP. DAN HARRINGTON		X
REP. NANCY KEENAN		X
REP. ROLAND KENNERLY		X
REP. EARL LORY		X
REP. JOHN MERCER		X
REP. GERALD NISBET		X
REP. JOHN PHILLIPS		X
REP. TED SCHYE		X
REP. BARRY STANG		X
REP. TONIA STRATFORD		X
REP. CHARLES SWYSGOOD	X	
REP. FRED THOMAS		X
REP. MEL WILLIAMS		X

TALLY

3

15


Secretary


Chairman

MOTION: REP. GLASER made a substitute motion to accept
Option # 5 rather than Option # 1 - the motion FAILED with
3 favorable and 15 opposing votes.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES COMMITTEE
 DATE FEB 2, 1987 BILL NO. HB # 39 NUMBER 2

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		X
REP. RICHARD NELSON, VICE CHAIRMAN		X
REP. FRITZ DAILY	X	
REP. RALPH EUDAILY	X	
REP. WILLIAM GLASER		X
REP. DAN HARRINGTON	X	
REP. NANCY KEENAN	X	
REP. ROLAND KENNERLY	X	
REP. EARL LORY	X	
REP. JOHN MERCER	X	
REP. GERALD NISBET	X	
REP. JOHN PHILLIPS		X
REP. TED SCHYE	X	
REP. BARRY STANG	X	
REP. TONIA STRATFORD	X	
REP. CHARLES SWYSGOOD		X
REP. FRED THOMAS	X	
REP. MEL WILLIAMS	X	

TALLY

13

5

Shirley Harrison
 Secretary

Jack Sands
 Chairman

MOTION: REP. WILLIAMS moved DO PASS on amendment # 7 -
4 1/2 mills county wide; the motion CARRIED with 13 favorable
votes and 5 opposing votes

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE FEB 2, 1987

BILL NO.

HB # 39

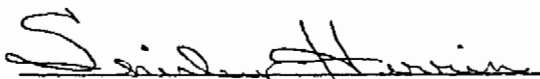
NUMBER 3

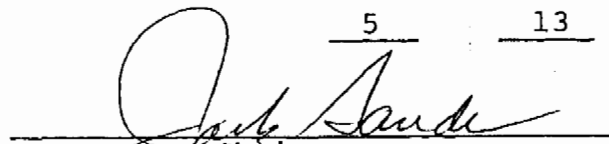
NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	x	
REP. RICHARD NELSON, VICE CHAIRMAN	x	
REP. FRITZ DAILY		x
REP. RALPH EUDAILY		x
REP. WILLIAM GLASER	x	
REP. DAN HARRINGTON		x
REP. NANCY KEENAN		x
REP. ROLAND KENNERLY		x
REP. EARL LORY		x
REP. JOHN MERCER	x	
REP. GERALD NISBET		x
REP. JOHN PHILLIPS	x	
REP. TED SCHYE		x
REP. BARRY STANG		x
REP. TONIA STRATFORD		x
REP. CHARLES SWYSGOOD		x
REP. FRED THOMAS		x
REP. MEL WILLIAMS		x

TALLY

5

13


Secretary


Chairman

MOTION: CHAIRMAN SANDS moved his amendments, see EXHIBIT # 6
the motion FAILED with 5 favorable and 13 opposing votes.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES COMMITTEE
 DATE FEB 2, 1987 BILL NO. HB # 39 NUMBER 4

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	x	
REP. RICHARD NELSON, VICE CHAIRMAN		x
REP. FRITZ DAILY		x
REP. RALPH EUDAILY	x	
REP. WILLIAM GLASER		x
REP. DAN HARRINGTON		x
REP. NANCY KEENAN		x
REP. ROLAND KENNERLY	x	
REP. EARL LORY	x	
REP. JOHN MERCER		x
REP. GERALD NISBET	x	
REP. JOHN PHILLIPS		x
REP. TED SCHYE	x	
REP. BARRY STANG		x
REP. TONIA STRATFORD		x
REP. CHARLES SWYSGOOD		x
REP. FRED THOMAS		x
REP. MEL WILLIAMS	x	

TALLY

7

11

Snyder Herwin
 Secretary

Jack Sands
 Chairman

MOTION: REP. WILLIAMS moved DO PASS AS AMENDED, the motion
 FAILED with 7 favorable and 11 opposing votes; without objection
 the motion was reversed to DO NOT PASS AS AMENDED.

AMENDMENTS TO HE 39

1. Page 4, line 2.

Following: "requirements."

Insert: "(1)"

2. Page 4, line 3.

Strike: "1985"

Insert: "1984"

3. Page 4, lines 4 and 5.

Following : "Act,"

Strike: remainder of line 4 through "seq., " on line 5

Insert: " as may be amended,"

4. Page 4 line 9.

Following: line 8

Insert: "(2) The board of regents shall contract with the superintendent of public instruction for the administration and supervision of K-12 vocational education programs, services, and activites allowed by the 1984 federal Carl D. Perkins Vocational Education Act, as may be amended, and in concert with the state plan for vocational education required by the Act. The board of regents may contract with other agencies for the administration and supervision of other vocational education programs, services, and activites that receive funding allowed by the 1984 federal Carl D. Perkins Vocational Education Act, as may be amended."

5. Page 5, line 12.

Strike: "prior to"

Insert: "during the period from July 1 1987 to "

6. Page 5, line 17.

Following: "center"

Insert: "or the board of regents"

7. Page 30, line 21.

Strike: "3"

Insert: "4 1/2"

50th Legislature

LC 164

STATEMENT OF INTENT

~~House~~ Bill No. 39

Section 1 of the bill requires the board of regents to adopt rules implementing the board's powers and duties. The legislature intends these rules to encompass the full range of board powers and duties and intends that the board begin the process of adopting rules prior to the July 1, 1987, effective date for implementation of the act.

The board should study the office of public instruction's postsecondary vocational-technical education rules, which are superseded by this act, since these rules may give the board guidance.

OPTIONS FOR VO-TECH FUNDING

ASSUMPTION BASED ON 1986 FISCAL DATA:

\$1,589,428	total voted - expended in 1986
903,288	total county millage expended
<u>\$2,492,716</u>	total millage expended by vo-techs

OPTION 1: 4 1/2 COUNTY MILLS

\$2,492,716	total millage expended by vo-techs (1986)
-2,400,873	funding available from 4 1/2 county mills (1987)
<u>\$ 91,843</u>	less funding than 1986

OPTION 2: 1 1/2 COUNTY MILLS/3 DISTRICT MILLS

ASSUMPTION: \$433,871,006 = total district taxable value (1987)

\$ 433,871	value of one mill (average)
x3	
<u>\$1,301,613</u>	*funding available from 3 district mills
+ 800,291	value of 1 1/2 county mills (1987)
<u>\$2,101,904</u>	
\$2,492,716	voted and county mills (1986)
-2,101,904	1 1/2 county mills and "3" district mills
<u>\$ 390,812</u>	less funding than 1986, or \$78,162 per unit

OPTION 3: 3 COUNTY MILLS

\$2,492,716	expended by Vo-Techs (1986)
1,600,582	value of 3 county mills (1987)
<u>\$ 892,134</u>	less funding than 1986

OPTION 4: 1 1/2 COUNTY MILLS/1 1/2 DISTRICT MILLS

\$2,492,716	expended by vo-techs (1986)
-1,451,098	\$800,292 county/\$650,806 districts
<u>\$1,041,618</u>	less funding than 1986

OPTION 5: 1 1/2 COUNTY MILLS/DISTRICT VOTED FUNDS
FROZEN AT 1986 LEVEL

\$1,589,428	total voted (1986)
800,291	1 1/2 county (1987)
<u>\$2,389,719</u>	
\$2,492,716	expended (1986)
<u>-2,389,719</u>	
\$ 102,997	less funding than 1986

1. Title, line 10.

Following: "CENTERS;"

Insert: "REQUESTING THE BOARD OF REGENTS TO REPORT TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION;"

2. Page 40, line 12.

Following: line 11

Insert: " NEW SECTION. Section 27. Report by board of regents. The board of regents shall report to the 51st legislature on the following concerns:

(1) a plan for reorganization of the delivery system for all postsecondary vocational-technical education in Montana;

(2) a long-term plan for achieving high quality vocational-technical programs at the vocational-technical centers through the possibility of program specialization at each center;

(3) a plan for elimination of programs that serve few students;

(4) a plan for consolidation of administrative functions of the individual centers which could result in cost savings and more efficient operations; and

(5) the feasibility of consolidating postsecondary vocational-technical facilities and staff with nearby units of the university system."

Renumber: subsequent sections

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The twelfth meeting of the Education and Cultural Resources Committee was called to order by the Chairman Jack Sands, on February 9, 1987, at 1:00 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present with the exception of Reps. Eudaily and Swysgood who were excused.

CONSIDERATION OF HOUSE BILL NO. 576:

REP. EARL LORY, House District No. 59, carried the bill for Rep. Eudaily who was in the hospital. He stated that HB # 576 would change the voted levy so that there would be a base levy for five years, and the voters would only vote on the proposed additional levy. He said that Rep. Eudaily felt it would be much more informative to the people if they only had to voted on the additional levy and not on the total levy from the previous year.

PROPOSERS:

BOB ANDERSON, representing the Montana School Board Association, stated the MSBA had passed a resolution from which the bill was written. They then had asked Rep. Eudaily to carry it. He noted the problem he saw with the levy proposal was as it went to the voters it was very confusing that they were adding onto the levy from the previous year.

KAY MC KENNA, Superintendent of Schools, Lewis and Clark County, and representing the School Administrators of Montana legislative committee, rose in support of the bill.

BOB STOCKTON, representing OPI, stated he was in agreement with the legislation because of the reasons stated.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: None.

REP. LORY closed.

CONSIDERATION OF HOUSE BILL NO. 295:

REP. PAUL PISTORIA, House District No. 36, sponsor of the bill, handed out a packet of information to the committee members which he would be referring to during his testimony. He stated the purpose of the bill was to put a cap of

Education and Cultural
Resources Committee
February 9, 1987
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they would appreciate any assistance they could get in completing the process.

QUESTIONS FROM THE COMMITTEE:

REP. MERCER questioned: if a person failed to respond to a letter requesting that their property be listed on the National Register, and it was then listed, would that listing limit the owners right to do whatever they wanted to do with their property. REP. BRADLEY replied it wouldn't, that there were no preventative requirements or provisions in the bill. He then asked what significance the listing would have. Marcella Sherfy, Historic Preservation Program Manager in the the Montana Historical Society stated that register listing is primarily a form of recognition that allows communities to build additional programs.

REP. BRADLEY simply stated she closed.

EXECUTIVE SESSION:

REP. HARRINGTON moved to reconsider the committee's action on HB # 39. CHAIRMAN SANDS called for discussion on the motion.

REP. GLASER said he had been reading a book about the equal protection of the constitution, specifically the 14th amendment. He noted he had copies of the equal education portion of a book that was compiled to assist people in learning about the 1972 Montana Constitution. See EXHIBIT # 8. He stated it was his understanding that a statewide levy would be unconstitutional.

REP. HARRINGTON stated he had some serious concerns with the governance of the bill. He said the vo-tech centers are a very important program that are being treated like a step-child that nobody wants. Most of the local school districts don't want them nor does the OPI.

REP. THOMAS inquired where the bill stood at the present time. CHAIRMAN SANDS explained that the bill received a DO NOT PASS AS AMENDED recommendation from the committee, and the amendments would still be included on the bill.

REP. WILLIAMS stated he was in support of the motion to reconsider the action on HB # 39 and had an amendment he would like to offer. CHAIRMAN SANDS stated he also had an amendment to propose.

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February 9, 1987
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REP. DAILY stated he did not believe the vo-tech centers should go under the board of regents but he had some amendments to propose. If the amendments were accepted, he could support the bill.

CHAIRMAN SANDS called for further discussion on the motion to reconsider the action on HB # 39. The question was called; the motion CARRIED with Reps. Phillips, Thomas and Glaser voting no.

REP. THOMAS moved DO NOT PASS AS AMENDED on HB # 39. REP. WILLIAMS made a substitute motion that HB # 39 DO PASS and also moved the amendments.

REP. WILLIAMS moved to change the 4½ county mill levy to 1½ statewide mill levy. CHAIRMAN SANDS called for discussion. A discussion was held on whether the bill would pass with a 1½ statewide mill levy. The question was called on REP. WILLIAMS amendment, the motion CARRIED with 13 favorable and 2 opposing votes. (Roll call vote # 1). REP. WILLIAMS then moved DO PASS AS AMENDED on HB # 39.

REP. DAILY offered amendments to the bill, 1) A requirement that the board of regents advertise for the positions of director at the five centers; 2) To give the employees at the centers two years to transfer to another position within the school district where the center is located; 3) to give the board of regents power to select the center directors.

A discussion was held concerning whether the amendments were necessary. REP. HARRINGTON stated he had a serious problem with amendment No. 1, that it points directly to the removal of the existing directors and the bill spells out that the directors serve at the pleasure of the board of regents. He made a motion to segregate the amendments.

CHAIRMAN SANDS stated the amendments would be segregated. That No. 1 and No. 3 would be considered together. The question was called on REP. DAILY'S amendments No. 1 and No. 3. The motion FAILED with 6 favorable and 13 opposing votes. (Roll call vote #2). The question was then called on amendment No. 2, the motion CARRIED, with REP. SANDS voting no.

REP. DAILY said he had one further amendment he would like to propose which would not allow the transfer of equipment from one vo-tech center to another for a period of four years without the consent of the board of trustees of the school district where the transferring vo-tech was located.

Education and Cultural
Resources Committee
February 9, 1987
Page Six

A discussion was held on the amendment. The question was called, the motion FAILED with 4 favorable and 12 opposing votes. (Roll call vote # 3).

REP. WILLIAMS moved HB # 39 DO PASS AS AMENDED. CHAIRMAN SANDS submitted an amendment which would turn the funding of the vo-tech back to status quo for a two year transitional period. REP. WILLIAMS asked: since the committee had approved a 1½ mill statewide levy why this amendment was necessary. CHAIRMAN SANDS responded it would be an alternative method of funding. REP. WILLIAMS stated if the amendment is adopted they might as well forget the bill and leave the vo-techs under the OPI, because it will jeopardize the position of the board of regents who will be trying to manage the centers based on the school district levy. The question was called; the motion FAILED with 6 favorable and 11 opposing votes. (Roll call vote # 4).

The question was called on REP. WILLIAMS motion to DO PASS AS AMENDED; the motion CARRIED with 13 favorable and 4 opposing votes.

ACTION ON HOUSE BILL NO. 83:

REP. KENNERLY moved that HB # 83 DO PASS: he then moved the amendments. A discussion followed concerning whether there was discrimination on the basis of race by allowing a person who lived on a reservation to get a job, whereas a person who lived where there wasn't an Indian reservation would be prohibited from getting a job.

REP. LORY said he supported the amendment because of the fact that the Indian population is so interrelated that they have had to contend with the nepotism problem for 12 years.

A discussion was held on the nepotism problem in smaller school districts. The question was called on the amendment; the motion CARRIED with 11 favorable and 5 opposing votes.

REP. WILLIAMS then noted in the first discussion on the bill there was mention of amending a third class school district to read unanimous approval rather than a two-thirds vote of the trustees because there are only three members on the school board. CHAIRMAN SANDS agreed that would be an important amendment to offer. REP. WILLIAMS moved the amendment. The question was called on the amendment; the motion CARRIED unanimously. The question was then called on REP. KENNERLY'S motion that HB # 83 DO PASS AS AMENDED.

DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date FEBRUARY 9, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	X		
REP. RICHARD NELSON, VICE CHRMN.	X		
REP. FRITZ DAILY	X		
REP. RALPH EUDAILY	X		
REP. WILLIAM GLASER			X
REP. DAN HARRINGTON	X		
REP. NANCY KEENAN	X		
REP. ROLAND KENNERLY	X		
REP. EARL LORY	X		
REP. JOHN MERCER	X		
REP. GERALD NISBET	X		
REP. JOHN PHILLIPS	X		
REP. TED SCHYE	X		
REP. BARRY STANG	X		
REP. TONIA STRATFORD	X		
REP. CHARLES SWYSGOOD			X
REP. FRED THOMAS	X		
REP. MEL WILLIAMS	X		

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES COMMITTEE
 DATE FEB. 9, 1987 BILL NO. HB # 39 NUMBER 1

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	X	
REP. RICHARD NELSON, VICE CHAIRMAN	X	
REP. FRITZ DAILY	X	
REP. RALPH EUDAILY		
REP. WILLIAM GLASER	X	
REP. DAN HARRINGTON	X	
REP. NANCY KEENAN		
REP. ROLAND KENNERLY	X	
REP. EARL LORY	X	
REP. JOHN MERCER		X
REP. GERALD NISBET	X	
REP. JOHN PHILLIPS	X	
REP. TED SCHYE	X	
REP. BARRY STANG	X	
REP. TONIA STRATFORD	X	
REP. CHARLES SWYSGOOD		
REP. FRED THOMAS		X
REP. MEL WILLIAMS	X	

TALLY

13 2

David H. Harris
 Secretary

Jack Sands
 Chairman

MOTION: REP. WILLIAMS motion to amend HB # 39 to change
 4½ county wide mill levy to 1½ statewide mill levy. The
 motion CARRIED with 13 favorable and 2 opposing votes

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE FEB. 9, 1987

BILL NO. HB # 39

NUMBER 2

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		X
REP. RICHARD NELSON, VICE CHAIRMAN		X
REP. FRITZ DAILY	X	
REP. RALPH EUDAILY		
REP. WILLIAM GLASER	X	
REP. DAN HARRINGTON		X
REP. NANCY KEENAN	X	
REP. ROLAND KENNERLY		X
REP. EARL LORY		X
REP. JOHN MERCER	X	
REP. GERALD NISBET	X	
REP. JOHN PHILLIPS		X
REP. TED SCHYE		X
REP. BARRY STANG		X
REP. TONIA STRATFORD	X	
REP. CHARLES SWYSGOOD		
REP. FRED THOMAS		X
REP. MEL WILLIAMS		X

TALLY

6

10

Secretary

Chairman

MOTION: REP. DAILY moved amendments- # 1 A requirement that

the board of regents advertise for the positions of

director at the five vo-tech centers; # 3 to give the

board of regents power to select the center directors

The motion FAILED with 6 favorable and 10 opposing votes.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES COMMITTEE
 DATE FEB. 9, 1987 BILL NO. HB # 39 NUMBER 3

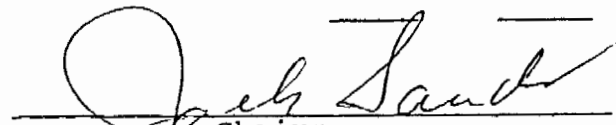
NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		✓
REP. RICHARD NELSON, VICE CHAIRMAN		✓
REP. FRITZ DAILY	✓	
REP. RALPH EUDAILY		
REP. WILLIAM GLASER		✓
REP. DAN HARRINGTON	✓	
REP. NANCY KEENAN	✓	
REP. ROLAND KENNERLY		✓
REP. EARL LORY		✓
REP. JOHN MERCER		✓
REP. GERALD NISBET	✓	
REP. JOHN PHILLIPS		✓
REP. TED SCHYE		✓
REP. BARRY STANG		✓
REP. TONIA STRATFORD		✓
REP. CHARLES SWYSGOOD		
REP. FRED THOMAS		✓
REP. MEL WILLIAMS		✓

TALLY

4

12


 Secretary


 Chairman

MOTION: REP. DAILY moved an amendment that would not allow
 the transfer of equipment from one vo-tech center to another
 for a period of four years without the consent of the board
 of trustees of the school district where the transferring vo-tech
 was located. The motion FAILED with 4 favorable and 12 opposing
 votes.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE FEB. 9, 1987

BILL NO. _____

HB # 39

NUMBER _____

4

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	✓	
REP. RICHARD NELSON, VICE CHAIRMAN		✓
REP. FRITZ DAILY		✓
REP. RALPH EUDAILY		
REP. WILLIAM GLASER		✓
REP. DAN HARRINGTON	✓	
REP. NANCY KEENAN	✓ (P)	
REP. ROLAND KENNERLY		✓
REP. EARL LORY		✓
REP. JOHN MERCER	✓	
REP. GERALD NISBET		✓
REP. JOHN PHILLIPS		✓
REP. TED SCHYE		✓
REP. BARRY STANG		✓
REP. TONIA STRATFORD		✓
REP. CHARLES SWYSGOOD	✓ (P)	
REP. FRED THOMAS	✓	
REP. MEL WILLIAMS		✓

TALLY

Secretary

Chairman 6 11

MOTION: CHAIRMAN SANDS moved to amend the bill to turn the funding of the vo-tech centers back to status quo for a two year transitional period. The motion FAILED with 6 favorable and 11 opposing votes.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE FEB 9, 1987

BILL NO. HB # 39

NUMBER 5

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		✓
REP. RICHARD NELSON, VICE CHAIRMAN	✓	
REP. FRITZ DAILY		✓
REP. RALPH EUDAILY		
REP. WILLIAM GLASER	✓	
REP. DAN HARRINGTON	✓	
REP. NANCY KEENAN	✓ (P)	
REP. ROLAND KENNERLY	✓	
REP. EARL LORY	✓	
REP. JOHN MERCER		✓
REP. GERALD NISBET	✓	
REP. JOHN PHILLIPS	✓	
REP. TED SCHYE	✓	
REP. BARRY STANG	✓	
REP. TONIA STRATFORD	✓	
REP. CHARLES SWYSGOOD	✓ (P)	
REP. FRED THOMAS		✓
REP. MEL WILLIAMS	✓	

TALLY

13 4

Secretary

Chairman

MOTION: REP. WILLIAMS moved that HB # 39 DO PASS AS AMENDED.

The motion CARRIED WITH 13 favorable and 4 opposing votes.

EXHIBIT #8
DATE 2-9-87
HR. #
Rep Gla-ser

CHAPTER IV

EQUAL EDUCATIONAL OPPORTUNITY

Beyond the question of the general right to an education lies the question of the equality of that right. Courts and legislatures in recent years have established the principle that not only do all persons have the right to receive an education, but that they have the right to receive it on approximately equal terms. "Equality of educational opportunity" has become an accepted maxim and a standard for assessing state educational programs.

Despite that commitment in principle, however, a great deal of factual inequality still persists. America spends approximately twice as much educating the children of the rich as it does educating the children of the poor.¹ A substantial amount of de facto segregation still exists in the schools.² Educational facilities available to minority groups often are significantly inferior to those available to the rest of the population.³

The existence of such clear inequities in a system of such crucial importance, theoretically guaranteed to be open and free to all, raises general questions of equality as a social value. What is meant by the term "equality" in modern society? Certainly not absolute equality, because such an ideal, which would require all members of society to be absolutely identical, is clearly unattainable even if it were desirable. Neither is meant a classical laissez faire equality, under which everyone is equally free to compete, although not with equal means--a sort of majestic equality of the law, Anatole France once remarked, which forbids rich and poor alike to sleep under bridges, to beg in the streets and to steal bread. The concept of equality in contemporary society lies somewhere between these two extremes in an area defined by resolution of concrete issues of equitable treatment.

The progressive definition of equality in the modern sense began in the classical liberal utilitarianism of John Stuart Mill and Jeremy Bentham in their articulation of the principle, "every man to count for one and no man to count for more than one."⁴ At first this was defined in a moral, or at most, a political sense. But with the gradual weakening of the notion of an "invisible hand" of society which operated to maximize the common good on the basis of equal moral or political rights, this maxim was broadened to include other social and economic factors. Beyond the traditional notions of equality in the courts and in the voting booths, there arose the concept of the equal right of an individual to some minimum enjoyment of the benefits of society, such as nourishment, health care and education. The modern concept of equality thus became the product of two principles: (1) that the rules of law must be equally applied, and

EQUAL EDUCATIONAL OPPORTUNITY

(2) that laws themselves must satisfy some broader standard of equity.

Education, as a fundamental service provided by the state, as a primary means to the acquisition of property and as an essential factor to development of the individual, became a particularly crucial concern in contemporary thrusts toward social equality.

The nineteenth century effort in the United States to establish a universal, free primary and secondary education system contributed greatly to the egalitarian movement. Education involved both the demand for uniform application of the laws (for example, states constitutionally stated obligations to provide a system of free public schools) and the demand for equal access to the basic benefits of society (such as knowledge, wealth and security). In the latter respect, education was seen as the single most important social means for opening the door to the opportunities afforded by the new world. School preempted even money as the great social equalizer, because school became a prerequisite to the attainment of wealth.

With the modern acceptance of equal rights as a concept which transcends simple equality before the law and the gradual recognition of education as a fundamental right and interest of man, the question arises as to how far the state is required to go in guaranteeing equal educational rights. To be sure, equality is only one among a number of cardinal social values and one which may, if promoted far enough, come into conflict with others such as liberty and fairness.⁵ Yet it is such a basic value and education such an indispensable part of men's lives that political and judicial bodies have pressed for the realization of some substantial amount of equality in the kind of education available to all children. The modern state has accepted its responsibility to go far beyond the mere elimination of overt legal hindrances to obtaining an education and has taken positive steps to provide minimum standards of education.

Richard Wollheim suggests a distinction between "an equal right to property" and "a right to equal property."⁶ This distinction, an important one when applied to rights and private spheres of action, tends to blur when applied to a benefit provided at public expense by the state; thus, the right to an equal educational opportunity merges into the right to a substantially equal education. Recent American court decisions have adopted the principle that if substantial inequality in education can be shown, the presumption is that the state must show a compelling reason why the inequality exists, rather than that one affected must show why equality should exist. This position is discussed

EQUAL EDUCATIONAL OPPORTUNITY

at length below. Equal educational opportunity thus has come to mean in the modern context not only that everyone deserves an equal opportunity for an education but that everyone should have the opportunity for an equal (basic) education.

COURTS AND THE FOURTEENTH AMENDMENT: HAVING ONE'S CAKE AND EATING IT TOO VS. HAVING NO CAKE AT ALL

Although the meaning of equality may be set forth rather easily in abstract terms, the actual interpretation of what it means in practice must await resolution of conflicts on specific issues. The concrete determination of educational equality has occurred through a series of judicial decisions in several areas of education. Underlying them all has been the fundamental principle articulated in the Fourteenth Amendment to the U.S. Constitution:

No state shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The primary emphasis in these decisions has been on the "equal protection clause" of this Amendment, but some reliance has also been made on the "due process clause." The general standards which have emerged from the recent test cases have been that (1) the state's classification of citizens for the purpose of state action must be related to a valid state interest; (2) the basis of classification must not be of a "suspect" sort; (3) the state must preserve the "fundamental interests" of its citizens, and (4) the more fundamental the interest and the more suspect the classification, the more compelling must be the state's interest in preserving the classification in question. That is, the state must have overwhelming reasons to discriminate through a classification which provides unequal treatment for citizens in an area of vital human concern. In the field of education these tests have been invoked primarily against classifications by race and wealth.

Classification by Race

The perspective of the United States Supreme Court has changed a great deal since the time when it declared the Negro race to be "a subordinate and inferior class of beings, who had been subjugated by the dominant race" and that a Negro slave was "like an ordinary piece of merchandise and property" who had none of the rights declared for all men in the Declaration of

EQUAL EDUCATIONAL OPPORTUNITY

Independence.⁷ Change came only gradually, however. In 1896 the Court upheld in Plessy v. Ferguson a statute providing for "separate but equal" railroad accommodations for white and "colored" persons.⁸ This landmark decision set the precedent in interpretation of the Fourteenth Amendment for the following sixty years. The "separate but equal" doctrine was first applied specifically to education by the U.S. Supreme Court in a case involving the closure of a Negro high school in Georgia.⁹

Although the "separate but equal" doctrine never was directly and publicly questioned by the Court until it was reversed in 1954, the Court's rulings in the preceding years began to make it increasingly costly for a state to maintain equal and separate facilities. The following list summarizes the major Supreme Court decisions which led to the transformation in 1954:¹⁰

[1938] Missouri v. Canada, 305 U.S. 337 In this case, the Court declared that a state denied equal protection of the law when it failed to provide a comparable legal education for Negroes within the state.

[1948] Sipuel v. Board of Regents, 322 U.S. 631 Oklahoma was obliged to provide legal education for a qualified Negro applicant.

[1948] Fisher v. Hurst, 333 U.S. 147 The Court required the admission of a Negro to the state law school in Oklahoma, holding that no other applicant could enroll until a law school with equal facilities should be provided for Negroes.

[1950] Sweatt v. Painter, 339 U.S. 629 A separate law school for Negroes was held to be inferior and therefore the equal protection clause required that qualified applicants must be admitted to the University of Texas.

[1950] McLaurin v. Oklahoma, 339 U.S. 637

In the latter two cases the Court weakened the "separate but equal" doctrine considerably but refused to abandon it. The McLaurin case demonstrated that the justices were unwilling to allow segregated status within a single institution to be considered "equal" education. The plaintiff, McLaurin, had classes with white students but was assigned a special "colored" seat in each classroom, was required to sit at a special table in the library and was allowed to dine only in a segregated portion of the cafeteria. This, the Court declared, amounted to an

EQUAL EDUCATIONAL OPPORTUNITY

unequal education imposed by the state and was therefore unconstitutional.¹¹

The watershed decision on segregation in education came in Brown v. Board of Education (1954).¹² In ruling that Mr. Brown's daughter could not be forced to attend a separate school solely on the basis of her color, the Supreme Court finally struck down the entire "separate but equal" doctrine. This case and the second Brown decision¹³ in the following year sent shock waves into American education which are still being felt more than fifteen years later. Two primary principles were thereby announced: (1) that classification on the basis of race in education is discriminatory and is therefore unconstitutional per se, and (2) that education has fundamental status as a right.

The Court articulated the first principle as follows:

To separate [Negroes] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.¹⁴

The second principle was stated as follows:

We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education of our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed

EQUAL EDUCATIONAL OPPORTUNITY

forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.¹⁵

The Brown decision began not only a transformation in education but also sponsored, as one author notes, an "egalitarian revolution in judicial doctrine that has made dominant the principles to be read into the equal protection clause."¹⁶ Brown represents a radical departure from the traditional interpretation of equal protection that "the classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike."¹⁷ In place of this test, Brown ushered in what has been termed the "new equal protection" doctrine:

[T]he court must decide (a) whether the classification results in a discrimination against a disadvantaged group; (b) whether [the classification] . . . relates to an interest that is "basic" or "fundamental" or "critical," and, assuming a sufficiently affirmative answer to these two questions [separately or] in combination, (c) whether the state's asserted justification is "compelling" enough to overcome the . . . presumptive invalidity . . . in a phrase like "strict scrutiny."¹⁸

Justice Harlan, in a dissenting opinion to Shapiro v. Thompson (1969), provides a more concise version:

[S]tatutory classifications which either are based upon certain "suspect" criteria or affect "fundamental rights" will be held to deny equal protection unless justified by a "compelling" governmental interest.¹⁹

Education, as has been seen in Brown, has been imputed the status of a "fundamental interest." Classification by race, above any other factor, has been interpreted as "suspect" or "invidious."²⁰ Thus, classification in educational matters on the basis of race is by this standard clearly unconstitutional. In addition, the Court has enumerated at least two other sorts

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of suspect classifications which, in interference with a fundamental interest, invalidate a state's action: wealth and geography. These are discussed in the following section.

A further dimension of the "new equal protection" which has evolved since Brown is a focus upon the activity or passivity of state action. The first Brown opinion declared school segregation "inherently unequal," but only the second Brown decision directed the states to provide relief. In the latter opinion, the Court began to develop the notion of a mandate for positive state action to eliminate discrimination in education. Racial discrimination was unconstitutional, the Court declared, and "[a]ll provisions of federal, state, or local law requiring or permitting such discrimination must yield to this principle" [emphasis added].²¹ With this holding, the courts began to forge a new notion of state action in countering racial discrimination; that notion has evolved in the form of two principles: (1) states must not be implicated in supporting de facto segregation, and (2) states must take positive action to eliminate both de jure and, in some instances, de facto racial segregation in the schools.

The issue involved here, Kurland notes, is

whether the command implicit in equal protection constitutes merely a ban on the creation of inequalities by the state or a command, as well, to eliminate inequalities existing without any direct contribution thereto by state action. "Equality" like "liberty" has both a positive and negative aspect [The question is] whether the state was not only required to abstain from commanding segregation but was under the affirmative duty to integrate the school system.²²

The Supreme Court for sometime avoided the issue by refusing to rule on lower court decisions which, as in Bell v. School City of Gary,²³ denied the duty of the state to eliminate de facto segregation. On the other hand, the Court appeared to accept the principle that a state may take positive steps to eliminate de facto discrimination by also refusing to rule on cases in which lower courts had upheld action taken by education boards to integrate schools.²⁴

More recently, the Supreme Court has moved closer to the position that positive action to achieve integration is required of the state. In Green v. County School Board, the Court held that school boards "operating state-compelled dual systems . . . [are] clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial

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discrimination would be eliminated root and branch."²⁵ In Swann v. Charlotte-Mecklenburg Board of Education (1971), the Court unanimously held that neighborhood schools were insufficient if a greater racial balance could be created by requiring students to attend a more distant school, thus giving the Court's sanction to busing.²⁶

In this case, the Court upheld a decision by a district court in which the district court judge had clearly set out the contemporary reasoning about state action:

The system of assigning pupils by "neighborhoods" with "freedom of choice" for both pupils and faculty, superimposed upon an urban population pattern where Negro residents have become concentrated almost entirely in one quadrant of a city of 270,000, is racially discriminatory. This discrimination discourages initiative and makes quality education impossible. The quality of public education should not depend on the economic or racial accident of the neighborhood in which a child's parents have chosen to live--or find they must live--nor on the color of his skin. The neighborhood school concept never prevented statutory racial segregation; it may not now be validly used to perpetuate segregation [emphasis in original].²⁷

The Court appears to have come very close to an unqualified assertion of the state's duty to take positive action to eliminate de facto as well as de jure racial discrimination which violates the equal protection guarantees of the Fourteenth Amendment. Other forms of discrimination are being tested by this principle; the results are exerting a powerful influence on the educational structure.

Classification by Wealth

A second major category of state classification which has come into question under the equal protection clause is classification by wealth. In contrast to the well-established principles of non-discrimination in racial cases, the principles involved in classification by wealth are the subject of considerable legal dispute. Such commentators as Wise and Carter, for instance, argue that decisions involving voting rights and rights of indigent defendants in criminal prosecutions have established wealth as a properly "suspect" classification for the purpose of state action.²⁸ Michelman and Brest dispute this interpretation of "wealth as an invidious category and prefer to emphasize instead the particular

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kind of interest (e.g., voting or legal defense) disturbed by the state's action.²⁹

Part of the controversy centers around the nebulous distinction between de jure and de facto wealth classifications. While it seems generally agreed that an out-and-out de jure classification by wealth which adversely affects an individual is "suspect" under the equal protection clause, the difficulty arises in determining what in fact is a wealth classification. A required payment for the enjoyment of any governmental activity may and often does pose a deterrent to the poor but not to the rich, but it would be a very sweeping change indeed to abandon all such fees. On the other hand, when certain court costs effectively deprive an indigent of his day in court, the U.S. Supreme Court has ruled such payment barriers unconstitutional.³⁰ There is a broad area of fuzziness between areas which can be clearly staked out as de jure and those which can be labelled as de facto governmental wealth classifications.

The courts have picked their way through the mine-fields of such theoretical difficulties and appear to have arrived at something like a "new equal protection" doctrine applied to wealth: Given that a state's action results in some general classification on the basis of wealth (such as costs for a government service), the more "fundamental" the individual's right or interest deprived, the more compelling must be the state's reason to preserve the classification.³¹

The primary Supreme Court cases involved in the evolution of this general position are:

1941 Edwards v. California, 314 U.S. 160

The Court reversed an earlier decision which declared persons without funds a "moral pestilence" and declared that a man could not be deprived of his freedom merely because he had no property.

1956 Griffin v. Illinois, 351 U.S. 12

A landmark case in which the Court declared it a violation of the Fourteenth Amendment for a state court to deny appeal to an indigent by not furnishing him with a free transcript. Such an act, while not discriminatory on its face, was discriminatory in its operation on the basis of wealth.

1963 Douglas v. California, 372 U.S. 353

The principle of Griffin was extended to include the right of indigents to free counsel. "In either case the evil is the

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same: discrimination against the indigent. For there can be no equal justice where the kind of an appeal a man enjoys "depends on the amount of money he has." (355)

1966 Harper v. Virginia State Board of Elections, 383 U.S. 663

In outlawing a poll tax, the Court declared:

[A] state violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or the payment of any fee an electoral standard. Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax. (666)

The cumulative effect of these decisions has been to establish the principle that a man cannot be deprived of at least some of his basic rights on the basis of a lack of wealth. There is a strong analogy to questions involving education (assuming education to be a fundamental right or interest), and such analogies have been made in several important recent decisions by district and state courts. In the earliest of these, Hobson v. Hansen (1967), the District Court of the District of Columbia grouped poverty with race as a discriminatory classification when found to deprive children of an adequate education. The Court asserted a positive obligation on the part of the responsible government to rectify a situation in which both "racial minorities and the poor are denied equal educational opportunity [emphasis added]." ³² The specific problem of school district taxation and its relation to educational opportunity was addressed in Hargrave v. Kirk. ³³ In striking down a limitation on local school district taxation by the state of Florida, the District Court invoked the "new equal protection" theory. One commentator notes:

One possible interpretation of Hargrave is that a state cannot create classifications based on geography and wealth which result in unequal educational opportunities absent a compelling state interest. This rationale can be used to attack the school finance provisions of all states except Hawaii which has a single, state-wide school district. All financial schemes which rely upon local taxes have created classifications based on geography and wealth. If unequal educational opportunities can be shown to result from this classification, following Hargrave, the classification would be a denial of equal protection Hargrave, by correctly assuming that unequal education is a necessary result of a great disparity in expenditures, defines the first parameter of possible standards and provides a rationale to strike down classifications made for administrative convenience that create obviously unequal educational opportunities. ³⁴

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This case also involves a treatment of the effect of geography as a classification. Several authors have discussed the question of geographical classification, basing their evaluation primarily on reapportionment decisions stemming from Baker v. Carr,³⁵ (1962) and Reynolds v. Simms³⁶ (1964). In Reynolds the Court said: "The resulting discrimination against those . . . living in disfavored areas is easily demonstrable" ³⁷ In another issue involving geographical classification, the Court struck down in Shapiro v. Thompson (1969)³⁸ a law which required an indigent to be a state resident for one year prior to claiming state public assistance benefits. However, the classification appears less significant in these cases than the importance of the rights denied (suffrage and subsistence benefits), and the classification by geography is not itself invidious in the same sense as a classification by race or wealth. Thus, in the educational opportunity cases geographical classification has been mainly seen as a de jure state action with the important secondary effect of producing a de facto oppressive classification by wealth.

The outstanding recent case in the field of equal educational opportunity is Serrano v. Priest, decided by the California Supreme Court in August, 1971. This decision represents, in one sense, the culmination of the new equal protection doctrine as applied to wealth and education. Here the suspect classification is declared to be wealth, and the fundamental interest adversely affected to be education; in the face of these two components, the state is found to have no compelling interest which requires maintenance of the classification:

We are called upon to determine whether the California public school financing system, with its substantial dependence on local property taxes and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment. We have determined that this funding scheme invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing as we must that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing. We have concluded therefore, that such a system cannot withstand constitutional challenge and must fall before the equal protection clause.³⁹

In reasoning the case in terms of the new equal protection doctrine, the California Court provides a step-by-step analysis

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of the components of the test. Under the heading "Wealth as a Suspect Classification," the Court carefully develops an argument similar to the one described above, relying on the thesis developed in Harper, Griffin and Douglas. In these cases, the Court says, classifications by wealth, although "unintentional," were found to be "classifications whose impact simply fell more heavily on the poor."⁴⁰ Moreover, the Serrano Court finds that school district classifications are not simply the source of de facto discrimination, but, to the contrary, "we find the case unusual in the extent to which governmental action is the cause of the wealth classifications."⁴¹ The opinion blames school districting in California for inter-district differences of as much as 10,000 to 1 in assessed value per unit of average daily attendance. And this, the Court holds, is clearly governmental discrimination in education on the basis of wealth.⁴²

The second leg of the argument is made by the Court under the heading "Education as a Fundamental Interest."⁴³ The Court admits that education has not specifically been designated a "fundamental interest" by the United States Supreme Court, but concludes on the basis of Brown v. Board of Education and of its own reasoning that education is indeed such a fundamental interest:

We . . . begin by examining the indispensable rôle which education plays in the modern industrial state. This rôle, we believe, has two significant aspects: first, education is a major determinant of an individual's chances for economic and social success in our competitive society; second, education is a unique influence on a child's development as a citizen and his participation in political and community life Thus, education is the lifeline of both the individual and society.⁴⁴

Moreover, in comparing the right to an education with the right to vote or the right to the right of a criminal defendant, the Court concludes that, "from a larger perspective, education may have far greater social significance than a free transcript or a court-appointed lawyer," and that "education makes more meaningful the casting of a ballot."⁴⁵

The court finds that the existence of viable alternative systems of educational financing negate any compelling state interest in retaining the present system. Thus fulfilling the equal protection test's three criteria (wealth as a suspect classification, education as an adversely affected fundamental interest and the absence of a compelling state interest to require maintenance of the classification) the Court holds the financing system unconstitutional:

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The California public school financing system . . . since it deals intimately with education, obviously touches upon a fundamental interest. For the reasons we have explained in detail, this system conditions the full entitlement to such interest on wealth, classifies its recipients on the basis of their collective affluence and makes the quality of a child's education depend upon the resources of his school district and ultimately upon the pocketbook of his parents. We find that such financing system as presently constituted is not necessary to the attainment of any compelling state interest. Since it does not withstand the requisite "strict scrutiny", it denies to the plaintiffs and others similarly situated the equal protection of the laws.⁴⁶

Soon after the Serrano decision, two federal district courts ruled against similar school financing schemes in Minnesota and Texas.^{46a} Nineteen challenges to school financing systems are pending in the courts and at least twelve more are in preparation. As a result of attacks on local financing systems under the new equal protection interpretation of the Fourteenth Amendment, it seems safe to say that massive changes are under way in the traditional methods of financing education in the United States.

Two fundamental questions arise in considering alternative financing plans to meet the new equal protection requirements: (1) How can the cost burdens best be equalized? (2) What constitutes educational equality? In answer to the first question, statewide rather than local financing would appear to meet the necessary requirements of an equalized burden; this most likely would take the form of either a statewide property tax or a fully equalized foundation program--or some combination of the two. Hawaii already has such a state-based system of financing; similar plans are under study in almost all states. Alternatively, approximate equality of tax burden might be achieved by the redrawing district lines, as required in a recent District Court decision in Virginia (to achieve both greater racial and financial equality among schools in the Richmond area)⁴⁷ or by going to a nationalized financing scheme. The primary source of funds in all of these plans could remain property taxation, as it is at present, or it could be shifted to income, sales or other forms of taxation. The chapter on educational financing in this study considers the alternatives in greater detail.

The second question, "What constitutes educational equality?," raises the difficult issues of distribution and assessment of educational need. Aside from the problem of relative tax

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burdens, there remains the dilemma of determining relative needs. An important challenge to the existing school finance system in Illinois failed primarily because of the plaintiff's reliance on the rather vague concept of "educational need."⁴⁸ The district court found this concept too "nebulous" for the application of judicial standards. However, the Serrano Court, while not equating expenditure exactly with quality, placed the burden on the defendants to show that "substantial disparities" in spending do not in fact create educational disadvantages in poorer districts.⁴⁹ Moreover, a large number of possible criteria for the assessment of need and corresponding distribution mechanisms have been suggested by various analysts.⁵⁰ The problem appears to be not one of whether there are standards, but of which standards to select.

The simplest "equal" distribution plan, of course, is a uniform per student or per capita allotment for an entire state. However, this ignores the expenditure-quality relationship, varying educational needs and questions of effort. In the first case, Coleman and others⁵¹ have suggested that educational expenditures may have only a weak relationship to educational quality, and, since equal quality is what is finally desired, the state must base its equalization scheme on some basis other than expenditures. Secondly, educational needs vary (for example, schools may cost more to run in remote areas or in cities) and therefore some factor of need or cost should be taken into account in an equalizing plan. Third, the effort a family or a district is willing to give to provide an education may vary from place to place, and this, some argue, should be given recognition in the form of increased allotments for increased local tax effort. A number of plans to meet these criteria have been proposed, including "family power equalizing," vouchers, cost-pegged expenditures, classification of schools (with varying amounts to go to different kinds of schools), high minimum foundation programs and so on. A consideration of the merits and demerits of these various distribution schemes appears in the chapter on educational financing in this study.

MONTANA: STATUS AND ALTERNATIVES

Three fundamental decisions relevant to equal educational opportunity pose themselves to the Constitutional Convention: (1) the inclusion or noninclusion of a statement of principle regarding equal educational opportunity; (2) provisions on educational financing; (3) Indian education.

1. Statement of principle. The first explicit provision

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on equal educational opportunity was included in the proposed New York state constitution of 1967:

Equality of educational opportunity shall be guaranteed to all the people of the state. The Legislature shall provide necessary programs to develop the educational potential of each person.
[Art. IX, Sec. 1C]

A similar provision could be included in the Montana Constitution, either in an education article or in the Bill of Rights. The arguments against inclusion of such a provision rest primarily on desire for constitutional brevity and potential difficulties in interpretation. The major arguments for inclusion, on the other hand, are that such a provision would provide a general statement of aim for the entire educational system, including its methods of financing, and that recent court decisions on the subject of equal protection have made such a statement of principle pertinent at this time, whereas it was not before.

The present Montana Constitution has no provision dealing either with equal protection of the laws or with equal educational opportunity. However, four sections of Article XI do suggest that the state is committed to maintaining some minimal equitable standard of education:

It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform, and thorough system of public, free, common schools [emphasis added]. [Art. XI, Sec. 1]

Ninety-five per centum (95%) of all the interest received on the school funds of the state, and ninety-five per centum (95%) of all rents received from the leasing of school lands and of all other income from the public school funds shall be apportioned annually to the several school districts of the state in proportion to the number of children and youths between the ages of six (6) and twenty-one (21) residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least six months during the year for which such distribution is made [Art. XI, Sec. 5]

It shall be the duty of the legislative assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public free common school

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in each organized district in the state, for at least three months in each year. [Art. XI, Sec. 6]

The public free schools of the state shall be open to all children and youth between the ages of six and twenty-one years. [Art. XI, Sec. 7]

One other section prohibits discrimination in admissions to educational institutions on the basis of religion, political party or sex, but says nothing of race or wealth; nor does it mention equality:

No religious or partisan test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the state, either as a teacher or student . . . nor shall any person be debarred admission to any of the collegiate departments of the university on account of sex. [Art. XI, Sec. 9]

The Convention could (1) leave the present provisions in the Constitution unchanged; (2) condense them into a single general provision on equal educational opportunity and/or non-discrimination in education (assigning other topics in these provisions to the relevant sections); (3) modify particular parts of the existing provisions in accordance with desired changes, perhaps with respect to age, school terms and distribution schemes; or (4) strike all of the existing provisions, or all of the existing provisions with the exception of Section 1.

2. Educational financing. The basic means for the attainment of equal educational opportunity, other than through non-discrimination provisions, is through equitable financing schemes. The pros and cons of particular schemes are discussed later; the prior, more general question is what sort of constitutional language is required to allow creation of a more equitable financing plan than that now employed.

Under the present School Foundation Program, Montana attains a significant amount of equalization of distributed funds and some equalization of tax burdens. However, substantial differences in expenditures remain; some districts in Montana have as much as three times more to spend per pupil for elementary schools and nine times for high schools than do others.⁵² Enormous differences also exist in taxable valuation per pupil; the ratio is 120 to 1 among some districts and 13 to 1 between the richest and poorest counties.⁵³ As a result, some counties must tax their citizens more than twice as much as others for schools which still are less well supported than those in rich

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counties. One study rates Montana thirtieth among the states in the degree to which its school foundation program actually equalizes.⁵⁴ Another study finds that in Montana if educational funds were distributed equally among all classrooms, more than half of the classrooms would receive additional money.⁵⁵

Some changes in the direction of greater equalization could be accomplished in Montana without any constitutional change. Sections 1 and 6 of Article XI (cited above) clearly establish the duty of the state legislature to provide funds for local schools through taxation and other means. In addition, Article XII, Section 1a grants authority to the legislature to modify the source of taxation for schools:

The legislative assembly may levy and collect taxes upon incomes of person, firms and corporations for the purpose of replacing property taxes. These income taxes may be graduated and progressive and shall be distributed to the public schools and to the state government.

However, a constitutional change would be required if one important alternative financing plan were implemented: a statewide property tax. Article XI, Section 9 of the Montana Constitution limits the rate of a state property tax to two and one-half mills:

The rate of taxation on real and personal property for state purposes, except as hereafter provided, shall never exceed two and one-half mills on each dollar of valuation

A uniform statewide system of property taxation, however, would require a levy at a rate of at least forty mills and probably more, if it were to support schools at approximately the present level. Thus, this limitation would have to be substantially raised or eliminated altogether in order to establish the new system.

The existing constitutional provision on distribution of a portion of the school funds [Art. XI, Sec. 5] also might have to be changed or eliminated should a new distribution system be desired. Under this provision, part of the state educational funds (interest from the permanent school fund and income from school lands) must be distributed on a strict per capita basis. This is an "anti-equalizing" device under the present system of district funding which enriches poor and rich districts alike; it is a type of flat grant criticized by some educational economists.⁵⁶ Moreover, to the degree that cost-quality factors and considerations of educational need should be taken into account, such per capita distribution also fails to meet standards of equity.

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If it desired to change the existing provision with respect to concerns for equal educational opportunity, the Convention could either eliminate Article XI, Section 5 completely, modify it to contain additional factors of distribution and need or replace it with a new provision which specifies a general aim of equality in distribution.

A provision drafted by the Committee on Education of the Illinois Constitutional Convention was designed to achieve the goal of equalizing the financial burdens and benefits of education:

To meet the goals of Section 1, substantially all funds for the operational costs of the free public schools shall be appropriated by the General Assembly for the benefit of the local school districts. No local governmental unit or school district may levy taxes or appropriate funds for the purposes of such educational operation except to the extent of ten percent (10%) of the amount received by that district from the General Assembly in that year.⁵⁷

The Convention, however, chose to adopt only a general commitment to state support, omitting the 10 percent limitation on local funding. The new Illinois Constitution [Art. X, Sec. 1] provides: "The State has the primary responsibility for financing the system of public education."

3. Indian Education. The well-documented disadvantages suffered by Indians in educational matters⁵⁸ bring the topic of Indian education under the scope of a treatment of equal educational opportunity. However, in addition to educational disadvantage, other important factors, such as the federal relationship to Indian tribes and cultural integrity, complicate a discussion of Indian education. Therefore, this topic is analyzed at greater length below.

INDIAN EDUCATION: BEYOND THE MELTING POT

A report by the United States Senate has labeled Indian education a "national tragedy."⁵⁹ Detailed studies of the failures of both federal and state governments to develop even minimally successful educational programs for Indians are almost as numerous as the failures themselves.⁶⁰ One such study, the Carnegie Report, states the case baldly:

1. The education provided Indian children is a failure when measured by any reasonable set of

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criteria. The educational system has not succeeded in providing a majority of Indian children with the minimum level of competence necessary to prepare them to be productive citizens in a larger society. Additionally, very little attempt has been made to perpetuate the values and culture that might be unique to the Indian people, provide them with a sense of pride in their own heritage, or confidence that they can effectively control their own future development. It should be noted that the fault for these inadequacies in education does not lie entirely within the school; the whole system of relationships between the white majority community and the Indians is the source of the problem. While the schools, both public and Bureau of Indian Affairs supported, are in great need of improvement in curriculum, methods, teacher training, teacher turnover, and in the teacher's understanding of the unique problems of the students and their parents, any increase in money, time, and effort spent on Indian education can only relieve some of the more important symptoms of the underlying problem. These efforts will be relatively ineffective unless the basic relationships between Indians and white people can also be altered, and, specifically, unless the paternalistic relationship between the white power structure and the Indian community can be changed.

2. The crucial problem in the education of Indian children is the general relationship between white society and the Indian people. This relationship frequently demeans Indians, destroys their self-respect and self-confidence, develops or encourages apathy and a sense of alienation from the educational process, and deprives them of an opportunity to develop the ability and experience to control their own affairs through participation in effective local government.⁶¹

Such studies develop a picture of unequal educational opportunity of classic proportions: A racial minority with among the lowest average income (\$1,500 annually per family for on-reservation Indians)⁶² and the highest unemployment rate (37.3% for on-reservation Indians in 1967)⁶³ of any social group must send their children to the lowest quality schools in the country. Moreover, in addition to purely economic factors, Indian education is fraught with problems of a psychological and cultural nature. The results are enormous drop-out rates (as high as 50 percent in some areas)⁶⁴ and perpetuation of economic and cultural deprivation.

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At least part of the problem appears to result from a lack of clear governmental responsibility for Indian education. This, in turn, results from the traditional haziness of law which surrounds state-federal relationships with Indians. The early landmark case in this area was Worcester v. Georgia,⁶⁵ in which the Court ruled, in an opinion delivered by Chief Justice Marshall, that the federal government had exclusive jurisdiction over Indian tribes on Indian lands. In 1858, on the other hand, the Court ruled that the state of New York had police powers over its own citizens on Indian lands.⁶⁶ The trend, however, has been toward the primacy of federal authority in Indian affairs and the eventual holding in United States v. Forness (1942) that, without the express consent of Congress, state laws do not apply to Indians on reservations.⁶⁷

The issue is further complicated by the lack of clarity in the federal government's own claim to jurisdiction over Indians. Part of the confusion stems from the federal Constitution's grant of power to Congress "[t]o regulate Commerce with foreign nations, and among the several States, and with the Indian Tribes" (Art. I, Sec. 8), which suggests a view of Indian tribes as sovereign states, rendered subject to the power of Congress by conquest.⁶⁸ Chief Justice Marshall reinforced this view in terming the Indian tribes "domestic dependent nations" and "wards."⁶⁹ One author describes the twisted course of subsequent legal doctrine on the Indian:

The term "ward" became something of a catchword for later Supreme Court decisions, so that, in United States v. Waller [243 U.S. 452 (1917)], the Court felt free to speak indiscriminately about the power of Congress to grant the Indians varying degrees of emancipation at its pleasure. The federal courts in one breath would describe Indian tribes as sovereign nations or states, and in the next designate them wards of the Government, who had to be treated as the beneficiaries in a trustee relationship with the Government. They could not manage their own property, which they had held for thousands of years; they could not manage their own health or welfare services; they could not even provide education for their children, so that treaty after treaty contained provisions for Government schools. Thus, the Indians were separate, and quasi-equal; they were citizens as well as wards, residents as well as aliens; they could vote and serve in the armed forces, but they could not serve on local school boards because they were not part of a town or school district. They did not pay taxes on the land on which they lived, but they paid income taxes on money they earned. They seemed to straddle a fence

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along an uneasy border between two worlds. [Citations omitted].⁷⁰

Significantly, Indians did not receive formal citizenship until a Congressional Act of 1924.⁷¹ (Further discussion of the legal relationships among the nation, the states, and Indians appears in the study on the Bill of Rights in this series of reports for the Montana Constitutional Convention.)

It is not surprising, then, that the state's relationship to Indian education is ill-defined. While authority over Indians is in the first instance federal, the state has the primary authority for education of its inhabitants. More than 60 percent of all Indian children attend state schools.⁷² States receive federal support for the education of reservation Indians, but the major sources of this support ("Federal impact" aid under Public Laws 815 and 874) are not specifically directed to Indians.⁷³ In practice, states appear to have assumed a major amount of responsibility for educating Indians without ever formally accepting the task. Such de facto arrangements often have merit, but they also can lead to negligence.

Thus, one area of possible constitutional action with respect to providing equal educational opportunity for a heavily disadvantaged minority might be inclusion of a provision clarifying the state's responsibility with respect to Indian education. The New Mexico Constitution [Art. XII, Sec. 10] has such a provision covering children of Spanish descent:

Educational rights of children of Spanish descent.
Children of Spanish descent in the State of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the State, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the State, and the legislature shall provide penalties for the violation of this section

There are other factors, however, which qualify the state's relationship to Indian education. The assumption of responsibility by the state for Indian education is not an unmitigated blessing for the Indian. The particular cultural and historical factors involved in Indian affairs demand that special consideration be given to cultural autonomy. Indians have been belabored for centuries with the white man's attempts to "assimilate" them into the "dominant culture." Comments made by Thomas Jefferson on the Indians sound quite as jarringly chauvinistic as the words of the Supreme Court on another racial minority (cited above in the Dred Scott decision). Jefferson said:

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[The Indians backward [in civilization] will yield, and be thrown further back. They will relapse into barbarism and misery . . . and we shall be obliged to drive them with the beasts of the forest into the Stony Rocky mountains.⁷⁴

In the face of the movement toward their domination and absorption by the European settlers, Indians have maintained an amazing degree of cultural integrity. One of the main vehicles for the "acculturation" of the Indian by the white civilization has been the school system, and many writers have suggested that Indian resistance to this process is responsible for the educational dilemma. One particularly articulate statement of this point is by Lloyd New, director of the Institute for American Indian Arts:

For almost five centuries the American Indian has been subjected to a process of attrition which has slowly eroded the roots of his cultural (and economic) existence. His physical ways have been completely obliterated in many areas and, presently, his spiritual existence is in extreme jeopardy.

The many and varied attempts that have been made to "help" him, and particularly "educate" him, have been largely unsuccessful.

Perhaps in part because it was assumed that the sooner the Indian was forced to abandon his ways and join the melting pot of America, the better off he would be. But he has displayed unique resistance to that idea, possibly because his psychological relationship to the land was different from that of the immigrant groups who eventually surrounded him. Failure on the part of those who have dealt with the Indian to understand the basis of his tenacious observance of his own cultural mores has resulted in the abortion of almost every attempt to assist him. Even now, various kinds of human salvage operations, such as urban relocation, employment assistance, on-the-job training, and other rehabilitation efforts are, at best, only stopgap efforts to meet his worldly needs, while failing miserably to provide the cultural and emotional substance required to put his life in balance.

The American Indian has always been devoted to a philosophy which holds that one's existence should blend into the comparatively passive rhythms of nature, as opposed to the dominant society's quest for control of nature

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through scientific manipulation of its elements. In the main, direct attempts to switch him from his philosophical position have failed, much to the consternation of those who have tried.

In the past, public apathy and disinterest permitted him to maintain a certain degree of privacy in this way of life but in recent times he has been forced into the public struggle for economic survival, due to the lack of an environment supportive of his old ways. With limited land holdings and the inevitable encroachments of the dominant society the American Indian is hard pressed in his efforts to maintain his viewpoint while adjusting to the exigencies of the modern world.

No longer in a position to make war with the opposition, the Indian, in general, has adopted a tendency to withdraw and lie quietly in the remnants of his old world, only halfheartedly picking at the offerings made to him by his multitudinous and dominating neighbors.

Poverty, poor health, unemployment, and a growing rate of alcoholism among Indian adults, and a shocking prevalence of suicide, dropouts and delinquency among Indian youth attest to the fact that there has been an overall failure to provide an educational approach sufficiently effective to promote constructive social transition.⁷⁵

The Indian has a great deal to protect in his own cultural integrity. Thus, while he may require aid in some forms from white society, he does not necessarily want the control which seems inevitably to accompany institutional support. In educational matters, this relates to the right to retain cultural autonomy and educational diversity discussed in connection with other minority groups in Chapter III. Among such groups, one writer argues,

the American Indians, by virtue of their occupation of a unique position in the history and legal scheme of the United States, have the best claim to "unique" treatment, with regard to education. The documentation of past and present physical oppression, violent coercion, enslavement, and social stigmatization is quite as lurid as that which obtains for the Negro, while the tactics used to "civilize" the Indians, under the rubric of "education," are more blatantly repugnant than those employed against other groups.⁷⁶

EQUAL EDUCATIONAL OPPORTUNITY

The argument discussed in the previous chapter in support of educational diversity thus would hold doubly true for Indian education. The U.S. Supreme Court's holding in Priest v. Society of Sisters⁷⁷ that the state does not have the right to "standardize" its children would seem to reinforce claims for the protection of a truly distinct cultural minority. Similarly, the cultural considerations articulated in the Amish school cases have bearing on the analogous requirements for Indian cultural autonomy.

The special circumstances surrounding the Indian peoples, however, lend even greater support to claims voiced for protection against dominant social institutions. The Montana Supreme Court recognized such a right of independence in an 1881 ruling upholding the right of Indians to consent or not to consent to government-provided education. The case concerned an 1819 federal statute as it applied to a treaty with the Blackfoot Indians providing for a government school on the reservation. The Court held that Indian parents could not be compelled, by a writ of habeas corpus, to send their children to the school.

The treaty and statute daily illustrate the policy of the government towards the Indians. The purpose is to civilize and educate them. But the government does not assume to force upon the Indians an education, nor to compel them to adopt the modes of civilized life. The fundamental idea is that whatever is done in the premises must be by consent of the Indians.⁷⁸

A later federal statute, the Wheeler-Howard Indian Reorganization Act of 1934, provides another means of securing a measure of tribal autonomy. The Act allows Indian tribes to incorporate as governing bodies and business entities. The tribal council or tribal government becomes the duly constituted governing body for those tribes which do incorporate, and because the constitutions of some of the incorporating tribes expressly provide for tribal control of education, such an act of incorporation opens the door to complete tribal authority over education. Under these provisions, a tribe might choose to withdraw its consent to federal and state education laws and substitute a school system of its own choosing.⁷⁹

Although severe financial obstacles stand in the way of such developments, there are good reasons for the attempts to protect Indian cultural integrity in some manner. The history of the white man's attempts to "acculturate" the Indian through educational indoctrination has included intense efforts to absorb and mold the Indian's character. One former teacher in an Indian boarding school in the 1920's obviously recounts her difficulties with language training:

EQUAL EDUCATIONAL OPPORTUNITY

Among all Indian tribes there is the universal and decided aversion to using the English language. Even those who have been at school and who understand and speak it well will often call for an interpreter when summoned to the agency on business or to answer charges brought against them.

In the more remote schools one of the trials of a teacher's life was to get her pupils to speak out, or to talk loudly enough when reciting, to be heard. In these places it sometimes became necessary to punish children for using their own language while at play or while engaged in outside work. If this was not done, there was no progress at all made in acquiring English, and if the children did not know English, all attempts at teaching them were useless.⁸⁰

A modern version of this attempt to impress the Indian into a single cultural mold is found in a recent report by an analyst in the Indian section of the Office of Economic Opportunity:

Well, then, why don't we put into practice some of our psychological knowledge about human beings and proceed with a plan of deliberate conditioning for specific purposes. First, we must decide as members of the dominant culture what we want of these Reservation Indians and then, secondly, we must draw our plans, and third, proceed without hesitation to shape the behaviors which in combination will give us the kind of people we want.⁸¹

Crass attempts, such as these in federal schools, to erase the distinctiveness of Indian culture often have been matched by a kind of demeaning neglect of the Indian in public schools. The Senate Report on Indian Education lists major problems of Indian participation in the public school system:

1. American Indians have little, if any, influence or control in the education of their children in the public schools.
2. Public schools educating Indians rarely include coursework which recognizes Indian history, culture or language, and often use materials and approaches which are derogatory toward Indians.
3. Many school administrators and teachers consider Indian pupils inferior to white students, and thus expect them to fail, both in school and in life.⁸²

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A report on Indian education just completed by an educational research group at the University of Montana levels similar criticisms at the treatment of Indian students in the public school system:

The handicap from which Indian children suffer most is that usually the off-reservation public school is too busy following the state adopted curriculum and meeting the needs of all students to make the adaptations necessary to meet the needs of the non-English speaking Indian child who is already behind his group in knowledge of how to study and in comprehension.⁸³

What are the alternatives to the traditional federal and state patterns of assimilative Indian education? Three of the most widely acclaimed are Indian-run demonstration schools developed recently in New Mexico, Arizona and Montana. The primary emphasis in these schools is community control and the provision of an education germane to the Indian experience. Although the highly successful Rough Rock school in Arizona is probably the best known, the newly created school on Montana's Rocky Boy's Reservation demonstrates the workability of an imaginative approach to Indian education in Montana. After several years of frustrated efforts, the Rocky Boys finally were able in 1970 to establish an independent public school district under their own control. In place of their previous submersion in a school system run by an all-white board, which Indians felt ignored some of their important needs, the tribe now has a school which they feel is more in tune with their own cultural heritage. Bert Corcoran, the Cree principal of the new school, describes the difference:

We are a community school. We serve the community. That is the basic difference from the old system. The school here is a community center. It stays open five nights a week. We have 41 adults in a basic education course. We've got a bilingual program in Cree and English that ranges from adults down to five-year-olds with teaching done by people from the reservation. This is no longer an institution. I like that because I'm not an institution man. The school is for the people. It's their school and they know it. They're no longer afraid.⁸⁴

The major remaining concern of the school is its heavy reliance on federal financial support. Under various special grants, the federal government provides more than half of the operating expenses of the school. The tribe is continuing its effort to place the school on a secure financial footing.

EQUAL EDUCATIONAL OPPORTUNITY

The trend is toward an increasing responsibility assumed by the state for the education of Indians. In California, Idaho, Michigan, Minnesota, Nebraska, Oregon, Texas, Washington and Wisconsin, the state has taken over total responsibility for Indian education from the federal government. In view of this trend, schools such as the Rough Rock and Rocky Boy assume major significance as models for state programs--schools which provide the alternative of state assistance without state domination. Three main goals for state activity in Indian education emerge from experience with such schools and from similar conclusions arrived at in many studies of Indian education. States have the obligation to (1) provide equal educational opportunities for Indian children through adequate financial support; (2) eliminate all forms of discrimination against Indians in education, and (3) allow for the existence of schools which meet the indigenous cultural needs of Indians, by fostering educational diversity and community control.

These statements of principle could be embodied in a model constitutional provision on equal educational opportunity and Indian education.⁸⁵ Although no other state has such a provision with respect to Indians, a precedent does exist in a provision for another minority group in the New Mexico Constitution, as cited above.

The major arguments in favor of the inclusion of such a constitutional provision are:

1. A constitutional commitment to equal educational opportunity should be made in light of the fundamental character of both education and the rights of equal protection; explicit reference to the Indian people is warranted by their special legal status and long history of deprivation.
2. The confused status of federal and state authority with respect to Indian education demands constitutional clarification.
3. The historic culture of the Indian, threatened by the modern state, requires specific constitutional protection.
4. Education, as a specifically state responsibility, should have the major conditions of its provision established in the state constitution.

Major arguments against inclusion of such a provision include:

1. For the sake of brevity, the state constitution should not give specific reference to the topic of equal educational

EQUAL EDUCATIONAL OPPORTUNITY

opportunity. Equal protection provisions of the federal Constitution extend to the state.

2. The special relationship of the Indian to the federal government (i.e., as a "ward") precludes state action in this area.

3. The principle of generality militates against the mention of particular groups in a constitution.

4. No other state has a similar provision.

EXHIBIT # 4
DATE 2-9-87
HB # 39

Amendments for HB 39

1. Page 40, line 12.

Following: line 11

Insert: "NEW SECTION. Section 27. Vocational-technical center equipment. The equipment of a vocational-technical center designated prior to [the effective date of this act] may not be transferred from the center for four years without consent of the school district board of trustees that operated the center prior to [the effective date of this act].

Renumber: subsequent sections

STANDING COMMITTEE REPORT

FEBRUARY 9, 19 87

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES
report House Bill 39

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

REP. JACK SANDS,

Chairman

TRANSFERRING GOVERNANCE OF VO-TECHS TO BOARD OF REGENTS

1. Page 4, line 2.

Following: "requirements."

Insert: "(1)"

2. Page 4, line 3.

Strike: "1985"

Insert: "1984"

3. Page 4, lines 4 and 5.

Following: "Act,"

Strike: the remainder of line 4 through "seq.," on line 5

Insert: "as may be amended,"

4. Page 4, line 9.

Following: line 8

Insert: "(2) The board of regents shall contract with the superintendent of public instruction for the administration and supervision of K-12 vocational education programs, services, and activities allowed by the 1984 federal Carl D. Perkins Vocational Education Act, as may be amended, and in concert with the state plan for vocational education required by the federal act. The board of regents may contract with other agencies for the administration and supervision of other vocational education programs, services, and activities that receive funding allowed by the 1984 federal Carl D. Perkins Vocational Education Act, as may be amended."

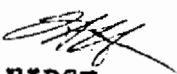
5. Page 5, line 12.

Strike: "prior to"

Insert: "during the period from July 1, 1987 to"

Following: "impaired"

Insert: ", and they may, at any time prior to July 1, 1989, exercise any right they have under a collective bargaining agreement to transfer to another position within the school district"


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FEBRUARY 9, 1987

6. Page 5, line 17.

Following: "center"

Insert: "or the board of regents"

7. Page 30, lines 19 and 20.

Following: line 18

Strike: line 19 through "located" on line 20

8. Page 30, line 21.

Strike: "3"

Insert: "2 1/2"

9. Page 30, line 22.

Following: "county"

Insert: "to raise the amount appropriated by the legislature"

10. Page 30, line 24.

Following: "system."

Insert: "The tax is to be effective for the taxable year
beginning on or after January 1, 1988."

7041a/L:JEA\WP:jj

STANDING COMMITTEE REPORT

PAGE 3 OF 3

FEBRUARY 9, 1987

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES

report HOUSE BILL NO. 39

☐ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

REP. JACK SANDS,

Chairman

STATEMENT OF INTENT

HOUSE Bill No. 39

Section 1 of the bill requires the board of regents to adopt rules implementing the board's powers and duties. The legislature intends these rules to encompass the full range of board powers and duties and intends that the board begin the process of adopting rules prior to the July 1, 1987, effective date for implementation of the act.

The board should study the office of public instruction's postsecondary vocational-technical education rules, which are superannuated by this act, since these rules may give the board guidance.

6353b/c:Jeanne\WP:jj

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STANDING COMMITTEE REPORT

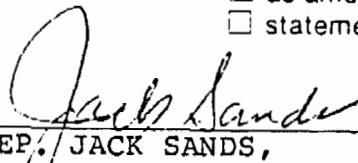
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Strike: "prior to"
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Following: "impaired"
Insert: ", and they may, at any time prior to July 1, 1989, exercise any right they have under a collective bargaining agreement to transfer to another position within the school district"

FEBRUARY 9, 19 87

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7041a/L:JEA\WP:jj


REP. JACK SANDS,

Chairman.

STANDING COMMITTEE REPORT

PAGE 3 OF 3

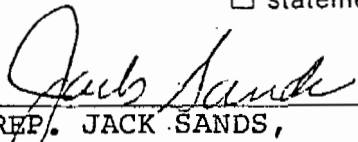
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The board should study the office of public instruction's postsecondary vocational-technical education rules, which are superseded by this act, since these rules may give the board guidance.

6353b/c:Jeanne\WP:jj

CHAIRMAN--SEN. ROBERT J. "BOB" BROWN
NORMAL SCHEDULE==> SITE: ROOM 402

DAYS: M-W-F

TIME: 1:00 P.M.

SECRETARY-JILL ROHVANS

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0035	1/21	3/11	3/11 3/18	TABLED 3/18		
PETERSON, MARY LOU			SUBMISSION OF CANDIDATE NAMES 40 DAYS BEFORE SCHOOL ELECTIONS			
HB0039	2/19	3/16	3/16 3/18 3/23	CONCUR AS AMENDED 3/23		3/24
DONALDSON, GENE			TRANSFERRING GOVERNANCE OF VO-TECHS TO BOARD OF REGENTS			
HB0069	2/10	3/13	3/13	CONCUR AS AMENDED 3/13		3/16
HAYNE, HARRIET			TO INCREASE REQUIREMENTS FOR CREATION OF A NEW ELEMENTARY SCHOOL DISTRICT			
HB0083	2/16	3/06	3/16 3/18	TABLED 3/18		
CODY, DOROTHY			ALLOWING SCHOOL BOARDS TO HIRE A RELATIVE BY TWO-THIRDS VOTE			
HB0117	1/26	3/06	3/6	CONCUR 3/6		3/9
HANSON, MARIAN			REVISE PROCEDURE BY WHICH SCHOOL TRUSTEES MAY SELL SCHOOL PROPERTY			
HB0118	2/19	3/04	3/4	CONCUR 3/4		3/4
NATHE, DENNIS			ALLOW SCHOOL TRUSTEES TO ESTABLISH DEBT SERVICE FUND CASH RESERVE			
HB0121	1/26	3/11	3/11	CONCUR AS AMENDED 3/11		3/12
KADAS, MIKE			REVISE SCHOOL ELECTION LAWS			
HB0162	1/22	3/04	3/4	CONCUR 3/4		3/4
KENNERLY, ROLAND			REQUIRE GUARANTEED STUDENT LOAN MONEY BE DEPOSITED IN OTHER SPECIAL REV FUND			
HB0171	1/22	3/18	3/18 3/20	CONCUR AS AMENDED 3/20		3/20
FRITZ, HARRY			AMEND QUALIFICATIONS OF ACTUARY DESIGNATED BY TEACHERS' RETIREMENT BOARD			
HB0175	1/26	3/09	3/9	CONCUR 3/9		3/10
PETERSON, MARY LOU			DISQUALIFY COUNTY SUPERINTENDENT FROM SPECIAL EDUCATION CONTROVERSIES			
HB0186	2/02	3/04	3/4	CONCUR 3/4		3/4
NATHE, DENNIS			NAME CHANGE FOR HOUSING AND DORMITORY FUND			

1 STATEMENT OF INTENT

2 HOUSE BILL 39

3 House Education and Cultural Resources Committee

4

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10 effective date for implementation of the act.

11 The board should study the office of public
12 instruction's postsecondary vocational-technical education
13 rules, which are superseded by this act, since these rules
14 may give the board guidance.

HOUSE BILL NO. 39

INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,

M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

ON VO-TECHS/JOB TRAINING

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL CENTERS; ALLOWING FOR A VOTE FOR AN ADDITIONAL LEVY TO SUPPORT A CENTER; REQUESTING THE BOARD OF REGENTS TO REPORT TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION; AMENDING SECTIONS 19-4-302, 20-1-101, 20-3-103, 20-3-106, 20-6-501, 20-7-301, 20-7-302.1, 20-7-303, 20-7-311, 20-7-312, 20-7-314, 20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513, 39-71-118, AND 90-6-211, MCA; REPEALING SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-326, 20-7-331, 20-9-404, AND 20-9-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Powers and duties of board of regents. The board of regents has general administrative and

supervisory control over vocational-technical center education and shall:

(1) establish and when necessary amend a plan for the orderly development of vocational-technical center education that is consistent with federal and state law, controlled to prevent unnecessary duplication, and funded to ensure necessary growth and quality education;

(2) adopt standards for courses and programs;

(3) implement a review process for establishing and deleting programs and courses that recognizes the present and future needs of employers and provides qualified graduates for positions for which there is or may in the near future be a demand;

(4) establish student entrance and graduation requirements;

(5) appoint a director, to serve at the pleasure of the board, for each vocational-technical center and establish minimum qualifications for faculty, directors, administrative staff, and other personnel;

(6) appoint a commissioner of vocational-technical center education, to serve at the pleasure of the board;

(7) establish student tuition and prescribe the bases and limitations for charging of fees, taking into account funding available from all other sources AND THE PROVISIONS OF 20-7-332(3);

(8) determine the amount to be paid for the lease of buildings;

(9) adopt budget requests for the vocational-technical center education system;

(10) establish a procedure by which students can receive part of their education and training through programs, courses, and on-the-job training offered by the private sector and not available at the centers;

(11) establish a procedure by which qualified persons in the private sector can participate in the training and teaching of students in the centers' classrooms when such persons have training, knowledge, and skills not available through the centers' faculty;

(12) provide means by which the centers' faculty can obtain advanced education and training in new areas and either be reimbursed for their expenses or raised to a higher salary level, or both;

(13) establish for the various centers uniform policies for recordkeeping; financial transactions; accounting; maintenance; recruiting, guidance, and placement of students; examinations; personnel relations; and other matters as determined by the board;

(14) negotiate with the bargaining representative for personnel of each center or the personnel of the center system in a manner consistent with state and federal law;

(15) work with other institutions of higher education to implement the transfer of course credits between those institutions and the vocational-technical centers; and

(16) adopt rules and procedures to implement this section and to carry out any other powers and duties of the board.

NEW SECTION. Section 2. Sole state agency for federal vocational education requirements. (1) The board of regents is the sole state agency for purposes of the 1985 1984 federal Carl D. Perkins Vocational Education Act, 44-U.S.C. 2301, et seq., AS MAY BE AMENDED, which requires a state participating in programs under that act to designate a state board or agency as the sole state agency responsible for administration or supervision of the administration of those programs.

(2) THE BOARD OF REGENTS SHALL CONTRACT WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE ADMINISTRATION AND SUPERVISION OF K-12 VOCATIONAL EDUCATION PROGRAMS, SERVICES, AND ACTIVITIES ALLOWED BY THE 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED, AND IN CONCERT WITH THE STATE PLAN FOR VOCATIONAL EDUCATION REQUIRED BY THE FEDERAL ACT. THE BOARD OF REGENTS MAY CONTRACT WITH OTHER AGENCIES FOR THE ADMINISTRATION AND SUPERVISION OF OTHER VOCATIONAL EDUCATION PROGRAMS, SERVICES, AND ACTIVITIES THAT RECEIVE FUNDING ALLOWED BY THE

1 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS
 2 MAY BE AMENDED.

3 NEW SECTION. Section 3. Local advisory boards. The
 4 board of trustees of a school district in which a
 5 vocational-technical center is located shall appoint a local
 6 advisory board, composed of at least five residents of the
 7 county where the center is located, to act in an advisory
 8 capacity to the center and the board of regents.

9 NEW SECTION. Section 4. Duties of the commissioner of
 10 vocational-technical center education. The commissioner of
 11 vocational-technical center education shall, under the rules
 12 and policies of the board of regents:

13 (1) be the chief administrative officer for the board
 14 of regents for the administration of its
 15 vocational-technical center rules and policies;

16 (2) employ, within the limits of any legislative
 17 appropriation and with the confirmation of the board of
 18 regents, the staff necessary for the state supervision and
 19 administration of the board's vocational-technical center
 20 rules and policies;

21 (3) provide supervisory and consultative assistance to
 22 centers;

23 (4) report the status of vocational-technical center
 24 education in Montana when requested by the board of regents;
 25 and

1 (5) perform any other duties assigned by the board of
 2 regents.

3 NEW SECTION. Section 5. Existing center employees.
 4 (1) The rights of persons employed by a vocational-technical
 5 center under a collective bargaining agreement in effect
 6 prior-to DURING THE PERIOD FROM JULY 1, 1987, TO July 1,
 7 1989, may not be impaired, AND THEY MAY, AT ANY TIME PRIOR
 8 TO JULY 1, 1989, EXERCISE ANY RIGHT THEY HAVE UNDER A
 9 COLLECTIVE BARGAINING AGREEMENT TO TRANSFER TO ANOTHER
 10 POSITION WITHIN THE SCHOOL DISTRICT.

11 (2) A person employed by a center under a school
 12 district on June 30, 1989, becomes an employee of the board
 13 of regents on July 1, 1989.

14 (3) Following [the effective date of this section],
 15 the employees of any center OR THE BOARD OF REGENTS may
 16 apply to the board of personnel appeals for determination of
 17 the appropriate bargaining unit or units for the purposes of
 18 collective bargaining for a contract or contracts to be
 19 negotiated with the board of regents prior to July 1, 1989.

20 (4) If a person is employed by a center in any
 21 capacity on July 1, 1989, and has accumulated sick,
 22 vacation, or other leave and years of service with a school
 23 district, such leave and years of service shall be
 24 transferred fully regardless of the length of employment
 25 with the district in which the center is located.

Section 6. Section 19-4-302, MCA, is amended to read:

"19-4-302. Active membership. (1) Unless otherwise provided by this chapter, the following persons must be active members of the retirement system, with the exception that those persons who became eligible for membership on September 1, 1937, or on September 1, 1939, and who elected not to become members under the provisions of the law at that time are not required to be members:

(a) any person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) any person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system or a vocational-technical center;

(c) any person employed in an instructional services capacity by the office of the superintendent of public instruction, the office of a county superintendent, a special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

(d) any person who has elected not to become a member of the retirement system and is reentering service in a capacity prescribed by (a), (b), or (c) of this subsection (1);

(e) any person who has elected not to become a member

of the retirement system, who has been continuously employed in a capacity prescribed by (a), (b), or (c) of this subsection (1) since the time of such election, and who may thereafter elect to become a member of the retirement system.

(2) In order to be eligible for active membership, any person described in subsection (1) must:

(a) be employed in the capacity prescribed for his eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for his creditable service totally paid by an employer as defined herein.

(3) At any time a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine his eligibility for membership. All persons in similar circumstances shall be treated alike."

Section 7. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state university.

(2) "Average number belonging" or "ANB" shall mean the average number of regularly enrolled, full-time pupils attending the public schools of a district.

(3) "The board of public education" is the board created by Article X, section 9, subsection (3), of the 1972 Montana constitution and 2-15-1507.

(4) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the 1972 Montana constitution and 2-15-1505.

(5) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the 1972 Montana constitution and 2-15-1506.

(6) "County superintendent" means the county government official who is the school officer of the county.

(7) "District superintendent" means any person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(8) "K-12 vocational education" means vocational education in public school grades 1 through 12.

(9) "Postsecondary-vocational-technical-center" means a school used principally for the provision of postsecondary vocational-technical education to persons who qualify as postsecondary-vocational-technical pupils. These centers are designated by the superintendent of public instruction upon

direction by the legislature. All other public or private schools are hereby prohibited from using this title.

(9) "Postsecondary-vocational-technical education" means vocational-technical education of postsecondary vocational-technical pupils which is conducted by a postsecondary-vocational-technical center or other programs as designated by the superintendent of public instruction. Postsecondary-vocational-technical education shall include the 13th and 14th year and beyond but will not include work toward a baccalaureate degree.

(10) "Postsecondary-vocational-technical pupil" means a person who has completed or left school, is at least 16 years of age, and is available for study in preparation for entering the labor market, for reentering the labor market, or for employment stability or advancement in employment.

(11) (9) "Principal" means any person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher shall be construed as including a principal, as herein defined.

(12) (10) "Pupil" means any child who is 6 years of age

1 or older on or before September 10 of the year in which the
 2 child is to enroll or has been enrolled by special
 3 permission of the board of trustees under 20-5-101(3) but
 4 has not yet reached his 19th birthday and who is enrolled in
 5 a school established and maintained under the laws of the
 6 state of Montana at public expense.

7 ~~(13)~~(11) "Pupil instruction" means the conduct of
 8 organized instruction of pupils enrolled in public schools
 9 while under the supervision of a teacher.

10 ~~(14)~~(12) "Regents" means the board of regents of higher
 11 education.

12 ~~(15)~~(13) "School food services" means a service of
 13 providing food for the pupils of a district on a nonprofit
 14 basis and shall include any food service financially
 15 assisted through funds or commodities provided by the United
 16 States government.

17 ~~(16)~~(14) "The state board of education" is the board
 18 composed of the board of public education and the board of
 19 regents as specified in Article X, section 9, subsection
 20 (1), of the 1972 Montana constitution.

21 ~~(17)~~(15) "State university" means the Montana state
 22 university, located at Bozeman.

23 ~~(18)~~(16) "Superintendent of public instruction" means
 24 that state government official designated as a member of the
 25 executive branch by the constitution of Montana.

1 ~~(19)~~(17) "System" means the Montana university system.

2 ~~(20)~~(18) "Teacher" means any person, except a district
 3 superintendent, who holds a valid Montana teacher
 4 certificate that has been issued by the superintendent of
 5 public instruction under the provisions of this title and
 6 the policies adopted by the board of public education and
 7 who is employed by a district as a member of its
 8 instructional, supervisory, or administrative staff. This
 9 definition of a teacher shall also include any person for
 10 whom an emergency authorization of employment of such person
 11 has been issued under the provisions of 20-4-111.

12 ~~(21)~~(19) "Textbook" means a book or manual used as a
 13 principal source of study material for a given class or
 14 group of students.

15 ~~(22)~~(20) "Textbook dealer" means any party, company,
 16 corporation, or other organization selling, offering to
 17 sell, or offering for adoption textbooks to districts in the
 18 state of Montana.

19 ~~(23)~~(21) "Trustees" means the governing board of a
 20 district.

21 ~~(24)~~(22) "University" means the university of Montana,
 22 located at Missoula.

23 ~~(25)~~(23) "Vocational education" means the instruction
 24 to prepare or improve the pupil for gainful employment that
 25 does not require a baccalaureate or higher degree. This

1 definition of vocational education shall include guidance
2 and prevocational, related, or technical instruction
3 necessary to prepare the pupil for further vocational
4 education or for entry into employment.

5 (24) "Vocational-technical center" means an institution
6 used principally for the provision of vocational-technical
7 education to persons who qualify as vocational-technical
8 students. These centers are designated by the board of
9 regents upon direction by the legislature. All other public
10 or private institutions or schools are hereby prohibited
11 from using this title.

12 (25) "Vocational-technical education" means
13 vocational-technical education of vocational-technical
14 students that is conducted by a vocational-technical center,
15 a unit of the Montana university system, or a community
16 college as designated by the board of regents."

17 Section 8. Section 20-3-103, MCA, is amended to read:
18 "20-3-103. Deputy superintendent -- staff. (1) The
19 state superintendent of public instruction shall appoint a
20 deputy who, in the absence of the principal or in the case
21 of vacancy in his office, shall perform all the duties of
22 office until such disability be removed or vacancy be
23 filled. Such deputy shall subscribe, take, and file the oath
24 of office provided by law for other state officers before
25 entering upon the performance of his duties.

1 (2) The superintendent of public instruction shall
2 have the power to employ, organize, and administer a staff
3 of personnel to assist him in the administration of the
4 duties and services of the office. In organizing his staff,
5 the superintendent of public instruction shall employ:

6 (a) a supervisor of physical education who is a
7 graduate of an accredited institution of higher education
8 with a master's degree in physical education;

9 (b) a professional staff for the state supervision and
10 administration of K-12 vocational education; and

11 (c) a special education supervisor who is a graduate
12 of an accredited institution of higher education with a
13 master's degree in a field of special education for the
14 mentally retarded or physically handicapped and who has not
15 less than 2 years' experience in special education."

16 Section 9. Section 20-3-106, MCA, is amended to read:

17 "20-3-106. Supervision of schools -- powers and
18 duties. The superintendent of public instruction has the
19 general supervision of the public schools and districts of
20 the state, and he shall perform the following duties or acts
21 in implementing and enforcing the provisions of this title:

22 (1) resolve any controversy resulting from the
23 proration of costs by a joint board of trustees under the
24 provisions of 20-3-362;

25 (2) issue, renew, or deny teacher certification and

1 emergency authorizations of employment;
 2 (3) negotiate reciprocal tuition agreements with other
 3 states in accordance with the provisions of 20-5-314;
 4 (4) serve on the teachers' retirement board in
 5 accordance with the provisions of 2-15-1010;
 6 (5) approve or disapprove the orders of a high school
 7 boundary commission in accordance with the provisions of
 8 20-6-311;
 9 (6) approve or disapprove the opening or reopening of
 10 a school in accordance with the provisions of 20-6-502,
 11 20-6-503, 20-6-504, or 20-6-505;
 12 (7) approve or disapprove school isolation within the
 13 limitations prescribed by 20-9-302;
 14 (8) generally supervise the school budgeting
 15 procedures prescribed by law in accordance with the
 16 provisions of 20-9-102 and prescribe the school budget
 17 format in accordance with the provisions of 20-9-103 and
 18 20-9-506;
 19 (9) establish a system of communication for
 20 calculating joint district revenues in accordance with the
 21 provisions of 20-9-151;
 22 (10) approve or disapprove the adoption of a district's
 23 emergency budget resolution under the conditions prescribed
 24 in 20-9-163 and publish rules for an application for
 25 additional state aid for an emergency budget in accordance

1 with the approval and disbursement provisions of 20-9-166;
 2 (11) generally supervise the school financial
 3 administration provisions as prescribed by 20-9-201(2);
 4 (12) prescribe and furnish the annual report forms to
 5 enable the districts to report to the county superintendent
 6 in accordance with the provisions of 20-9-213(5) and the
 7 annual report forms to enable the county superintendents to
 8 report to the superintendent of public instruction in
 9 accordance with the provisions of 20-3-209;
 10 (13) approve, disapprove, or adjust an increase of the
 11 average number belonging (ANB) in accordance with the
 12 provisions of 20-9-313 and 20-9-314;
 13 (14) distribute state equalization aid in support of
 14 the foundation program in accordance with the provisions of
 15 20-9-342, 20-9-346, and 20-9-347;
 16 (15) distribute state impact aid in accordance with the
 17 provisions of 20-9-304;
 18 (16) provide for the uniform and equal provision of
 19 transportation by performing the duties prescribed by the
 20 provisions of 20-10-112;
 21 (17) approve or disapprove an adult education program
 22 for which a district proposes to levy a tax in accordance
 23 with the provisions of 20-7-705;
 24 (18) request, accept, deposit, and expend federal
 25 moneys in accordance with the provisions of 20-9-603;

(19) authorize the use of federal moneys for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

(20) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

(21) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related days in accordance with the provisions of 20-1-303 and 20-1-304;

(22) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with such standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

(23) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

(24) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(25) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(26) as the governing agent and executive officer of the state of Montana for K-12 vocational education, adopt

the policies prescribed by and in accordance with the provisions of 20-7-301;

~~(27)-consider--applications--for--the--designation-of-a postsecondary-vocational-technical-center-in-accordance-with the-provisions-of-20-7-311;~~

~~(28)-establish-a-fund-for-the-handling-of-postsecondary vocational-technical-center--fees--in--accordance--with--the provisions-of-20-7-333;~~

~~(29)~~(27) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

~~(30)~~(28) administer the traffic education program in accordance with the provisions of 20-7-502;

~~(31)~~(29) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

~~(32)~~(30) review school building plans and specifications in accordance with the provisions of 20-6-622;

~~(33)~~(31) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408; and

~~(34)~~(32) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education."

Section 10. Section 20-6-501, MCA, is amended to read:

"20-6-501. Definition of various schools. As used in this title, unless the context clearly indicates otherwise, the term "school" means an institution for the teaching of children that is established and maintained under the laws of the state of Montana at public expense. The trustees of any district shall designate the grade assignments for the schools of the district, but for the purposes of this title each school shall be known as:

(1) an elementary school when it comprises the work of any combination of kindergarten, other preschool programs, or the first eight grades or their equivalents. A middle school is a school comprising the work of grades 4 through 8 or any combination thereof that has been accredited as a middle school under the provisions of 20-7-102. When an accredited junior high school or an accredited 6-year high school is operated by the district, grades 7 and 8 or their equivalents shall not be considered as elementary grades.

(2) a high school when it comprises the work of one or more grades of schoolwork or their equivalents intermediate between the elementary schools and the institutions of higher education of the state of Montana. Types of high schools shall be designated as follows:

(a) a junior high school is a school comprising the work of grades 7 through 9 or their equivalents that has

been accredited as a junior high school under the provisions of 20-7-102;

(b) a senior high school is a school which comprises the work of grades 10 through 12 or their equivalents and which is operated in conjunction with a junior high school;

(c) a 6-year high school is a school comprising the work of grades 7 through 12 or their equivalents that has been accredited as a 6-year high school under the provisions of 20-7-102;

(d) a 4-year high school is a school comprising the work of grades 9 through 12 or their equivalents;

(e) a county high school is a 4-year high school operated as an agency of county government and established under the provisions of the acts of March 3, 1899, March 14, 1901, and any subsequent amendments thereto;

~~(f) a postsecondary vocational technical center established under the provisions of 20-7-311.~~

Section 11. Section 20-7-301, MCA, is amended to read:

"20-7-301. Duties of the superintendent of public instruction. The superintendent of public instruction shall be the governing agent and executive officer of the state of Montana for K-12 vocational education. The superintendent of public instruction shall adopt and administer policies to effect the orderly development of a system of K-12 vocational education that is adaptable to changing needs,

1 controlled to prevent unnecessary duplication, coordinated
2 with federal guidelines and requirements for vocational
3 education, and funded to ensure growth and quality
4 programming. In order to accomplish the orderly development
5 of a system of K-12 vocational education, the superintendent
6 of public instruction policies shall include:

- 7 (1) a state plan for such development;
- 8 (2) standards for K-12 vocational education courses
9 and programs;
- 10 ~~{3}--the---minimum---requirements---for---granting~~
11 ~~postsecondary-vocational-technical-certificates-to-students;~~
- 12 {4}{3} a review process for the establishment and
13 deletion of programs;
- 14 ~~{5}--the-necessary-qualifications-that-a--postsecondary~~
15 ~~vocational-technical-center-director-must-possess;~~
- 16 {6}{4} instructor qualifications for K-12 vocational
17 education courses and programs;
- 18 {7}{5} criteria for approval of K-12 vocational
19 education courses and programs which--are--to--receive
20 financial--assistance;
- 21 ~~{8}--criteria---for---receiving,---reviewing,---and~~
22 ~~transmitting-----recommendations-----on-----postsecondary~~
23 ~~vocational-technical-center-operations-and--budget--requests~~
24 ~~to-the-legislature;~~
- 25 {9}{6} a basis for apportionment of all moneys

1 appropriated by the legislature for K-12 vocational
2 education in accordance with the intent of the legislature
3 as reflected in the terms of the appropriation;

4 ~~{10}{7}~~ a basis for apportionment of all moneys
5 received by the state of Montana for K-12 vocational
6 education from the federal government in accordance with the
7 acts of congress;

8 ~~{11}{8}~~ a system of evaluation of K-12 vocational
9 education which allows for consideration of the current and
10 projected manpower needs and job opportunities; and

11 ~~{12}--the--tuition--and--fees--to--be--charged--at---the~~
12 ~~postsecondary---vocational-technical---centers;--based--upon~~
13 ~~legislative-appropriations-available-to--the--superintendent~~
14 ~~of-public-instruction-for-postsecondary-vocational-technical~~
15 ~~centers;~~

16 ~~{13}--the--allowable--costs--for-rental-of-buildings-for~~
17 ~~postsecondary-vocational-technical-center-purposes;~~

18 ~~{14}--guidelines-for--the--authority--delegated--by--the~~
19 ~~superintendent--of--public--instruction--to-the-local-school~~
20 ~~district--board--of--trustees--operating---a---postsecondary~~
21 ~~vocational-technical-center;--and~~

22 {15}{9} any other policy not inconsistent with public
23 law and which is necessary for the proper operation of a
24 system of K-12 vocational education."

25 Section 12. Section 20-7-302.1, MCA, is amended to

1 read:

2 "20-7-302.1. State director of K-12 vocational
3 education -- duties. There is a state director of K-12
4 vocational education appointed by the superintendent of
5 public instruction. He must:

6 (1) administer the K-12 vocational education policies
7 adopted by the superintendent of public instruction;

8 (2) prepare curriculum guides for superintendent of
9 public instruction adoption;

10 (3) employ, with the confirmation of the
11 superintendent of public instruction, the professional staff
12 necessary for the state supervision and administration of
13 K-12 vocational education;

14 (4) report the status of K-12 vocational education in
15 the state of Montana when requested by the superintendent of
16 public instruction;

17 (5) keep all K-12 vocational education records in his
18 office;

19 (6) provide K-12 vocational education supervisory and
20 consultative assistance to districts;

21 (7)--provide---a---postsecondary---vocational-technical
22 center---system---policy---and---procedural---handbook---for
23 institutional-operations-that-will-standardize-operations
24 among-the-centers;

25 (8)--identify-and-direct-the-county-treasurer-in-those

1 counties-where--postsecondary--vocational-technical--centers
2 are--located-to-establish-the-necessary-multifund-structures
3 for--postsecondary--vocational-technical--center---financial
4 operations;

5 (9)--meet--with--the-chairman-of-the-board-of-trustees,
6 district--superintendent,--and--center--director---of---each
7 postsecondary--vocational-technical--center--at--least-twice
8 each--year---to---discuss---recommended---changes---in---the
9 superintendent---of---public---instruction's---policies--and
10 procedures;

11 (10)--formulate-and-put--into-effect-uniform--fiscal,
12 student,--staff,--and--program--accounting--systems--for-the
13 postsecondary-vocational-technical-centers;

14 (11)(7) prepare any necessary reports for the
15 superintendent of public instruction or the legislature; and

16 (12)--represent--the--postsecondary-vocational-technical
17 center-system-to-state-agencies,--associations,--and--others
18 when-appropriate;

19 (13)--recommend-a-staffing-pattern-for-the-postsecondary
20 vocational-technical-centers;

21 (14)--provide---for---the--evaluation--of--programs--and
22 services--within--each--postsecondary---vocational-technical
23 center;

24 (15)--provide---for--evaluation--of--each--postsecondary
25 vocational-technical-center's-ability-to-meet-employment-and

student-vocational-technical-education-needs,-and

(16)(8) perform any other duty assigned by the superintendent of public instruction."

Section 13. Section 20-7-303, MCA, is amended to read:

"20-7-303. District---authorization Authorization to establish and maintain vocational education courses and programs. The trustees of any an elementary or high school district, community college district, or unit of the Montana university system may establish and maintain a vocational education course or program that complies with the K-12 vocational education standards adopted by the superintendent of public instruction. In order for a course or program to be eligible for state or federal financing, it shall be approved by the superintendent of public instruction for compliance with K-12 vocational education standards."

Section 14. Section 20-7-311, MCA, is amended to read:

"20-7-311. Postsecondary-----vocational-technical Vocational-technical center designation. (1) Postsecondary vocational-technical Vocational-technical centers shall be designated by the superintendent-of-public-instruction--only board of regents upon direction of the legislature. Applications-for-designation-must-be-made-in-accordance-with the-following-procedure:

(a)--The-trustees-of-any-high--school--district,-of--a county--high-school,-of-a-community-college-district,-or-the

governing-board-of-any-unit-of-the-Montana-university-system may-submit-an-application-for-designation-of-a-postsecondary vocational-technical-center-to-be-operated-by-such--trustees or-governing-board.-The-application-for-designation-shall-be submitted--in--accordance--with--the--time,-data,-and-form requirements-prescribed--by--the--superintendent--of--public instruction--Applicant--high--school-districts,-county-high schools,-or-community-college-districts-shall-be-located--in a--county--with-a-taxable-valuation-of-at-least-\$45-million,-

(b)--Applications--are---to---be---presented---to---the superintendent-of-public-instruction--The-superintendent-of public--instruction--shall-examine-the-application-and-draft recommendations--The---application,-together---with---all recommendations,-shall-be-presented-by-the-superintendent-of public-instruction-to-the-next-following-legislature-

(2) The superintendent-of-public-instruction board of regents shall recognize the presently---designated postsecondary vocational-technical centers operated-by-the respective-board-of-trustees-of designated prior to [the effective date of this act] in school district number 1 of Silver Bow County, high school district number 1 of Lewis and Clark County, high school district "A" of Cascade County, Missoula County high school, and high school district number 2 of Yellowstone County."

Section 15. Section 20-7-312, MCA, is amended to read:

"20-7-312. Local administration of vocational-technical center. (1) Subject to the requirements of the laws of the state of Montana and the policies and rules of the superintendent--of--public--instruction--as administered-by-the-state-director-of-vocational--education, the--board--of--trustees--operating-a-postsecondary board of regents, the director of a vocational-technical center has administrative and supervisory control of the center and shall:

{a}--employ,--from--among---qualified---applicants,---a postsecondary-vocational-technical-center-director;

{b}{a} employ administrative personnel,---faculty members,---and---employees for the postsecondary vocational-technical center according to the policies and procedures rules of the board of trustees regents;

{c}{b} recommend, develop, and submit budgets a recommended budget for the postsecondary vocational-technical centers center;

{d}{c} establish-and collect student tuition and fees;

{e}{d} recommend to the superintendent--of---public instruction---through---the--state--director--of--vocational education board of regents:

(i) proposals regarding postsecondary vocational-technical center programs, budgets, student services, and public service activities; and

(ii) campus development and program plans for individual postsecondary vocational-technical center buildings;

{f}{e} manage buildings erected-and-equipped-on-leased grounds at the vocational-technical center;

{g}{f} receive and administer gifts and bequests to the postsecondary vocational-technical center according to a written plan submitted to the superintendent--of--public instruction board of regents; and

{h}{g} perform any other administrative responsibilities duties not inconsistent with law and required by the superintendent-of-public--instruction board of regents.

(2) The board--of--trustees--operating director of a postsecondary vocational-technical center may not enter into any contract that in any way creates a debt or obligation upon the state for the improvement or construction of postsecondary vocational-technical center buildings on leased-property."

Section 16. Section 20-7-314, MCA, is amended to read:

"20-7-314. Lease or purchase of state property for postsecondary vocational-technical center purposes. (1) The state of Montana, acting by-and through the superintendent of-public-instruction, is hereby-empowered-and-authorized-to enter-into-a board of regents, may lease, agreement for a

term not to exceed 40 years, in order to lease to a district operating a postsecondary vocational-technical center any building or lands owned by the state and financed in whole or in part by an appropriation made by the legislature of the state of Montana for the purpose of supporting the district's postsecondary a vocational-technical center. The consideration necessary to support such a lease may be nominal.

(2) The superintendent of public instruction is hereby authorized to transfer or direct transfer of title held by the state of Montana in buildings or lands financed in whole or in part by an appropriation by the state legislature to a district operating a postsecondary vocational-technical center, at any time the superintendent of public instruction deems such transfer to be in the best interests of both the state and the district involved, provided that this authorization extends only to buildings or lands which are to be used by the district for postsecondary vocational-technical education purposes. The state of Montana, acting through the board of regents and on demand of a school district, shall lease or purchase the equity or interest of the school district in any building, land, or other property at a vocational-technical center on terms agreed to between the board of regents and the school district. A purchase may be by lump-sum payment, time

payments, the assumption of bonded indebtedness, or any other mutually agreeable method. Money received by a school district from the lease or sale under this subsection (2) of the school district's equity or interest in a building, land, or other property must be credited to the debt service fund, building fund, general fund, or any combination of these funds, at the discretion of the trustees of the school district."

Section 17. Section 20-7-322, MCA, is amended to read:

"20-7-322. State treasurer custodian of vocational education moneys money. (1) The treasurer of the state of Montana is hereby designated as the custodian of all federal and state moneys money designated, appropriated, or apportioned for vocational education. All moneys money received from any federal or state source for the establishment, operation, or furtherance of vocational education in the state shall be deposited with the state treasurer. At the direction of the superintendent of public instruction, he shall disburse all moneys appropriated or money received for K-12 vocational education. At the direction of the board of regents, he shall disburse all money received for vocational-technical education.

(2) The state treasurer is the treasurer for all postsecondary vocational-technical centers, and all money received by postsecondary vocational-technical centers from

any source shall be deposited in the state treasury pursuant to 17-6-105, unless the source of the money specifies deposit somewhere other than in the state treasury."

Section 18. Section 20-7-324, MCA, is amended to read:

"20-7-324. Sources of financing for postsecondary vocational-technical center budgets -- superintendent--of public-instruction-administration distribution of funds. (1) The total of the budgets approved by the superintendent-of public-instruction board of regents shall constitute the total maximum approved statewide vocational-technical center system budget which shall be financed as follows:

(a) The primary source of financing is to be those funds specifically designated by legislative enactment or referendum by the people for financing postsecondary vocational-technical education in Montana.

(b) The board of county commissioners of each county in--which--a--designated--postsecondary-vocational-technical center-is-located IN WHICH A DESIGNATED VOCATIONAL-TECHNICAL CENTER IS LOCATED shall levy a tax in each calendar year of $1\frac{1}{2}$ 3 1 1/2 mills on the dollar of all taxable property, real and personal, within the county TO RAISE THE AMOUNT APPROPRIATED BY THE LEGISLATURE for the support and maintenance of the postsecondary vocational-technical center located-within-the-county system. THE TAX IS TO BE EFFECTIVE FOR THE TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1,

1988.

(c) Designated postsecondary vocational-technical centers shall be eligible to receive such funds from the federal government as the superintendent--of--public instruction board of regents may provide pursuant to applicable acts of congress.

(d)--The--board--of--trustees--of--any--designated-high school-district-or--county-high--school--district--where--a postsecondary--vocational-technical-center-is-located--may-be required,--as--a--condition--for--the--construction--in--that district--of--a--postsecondary-vocational-technical-center,--or any-part-thereof,--to--furnish--up--to--50%--of--the--amount--of funds--required--for--any--such--construction. The percentage of construction--funds--to--be--furnished--by--the--designated district--shall--be--derived,--in--whole--or--in--part,--from--any--of the--following--sources:

(i)--the--sale--of--bonds--issued--by--that--district--{such bonds--shall--be--issued--in--conformity--with--the--requirements--of chapter--9,--part--4,--of--this--title--in--the--case--of--high--school and--county--high--school--district};

(ii)--any--other--funds--available--to--that--district--which may--be--legally--and--properly--applied--toward--such construction;

(iii)--the--reasonable--value--of--land,--buildings, fixtures,--or--equipment--furnished--by--that--district,--subject

1 ~~to the approval of the superintendent of public instruction.~~
 2 (2) The ~~superintendent of public instruction~~ board of
 3 regents shall direct the distribution of the funds specified
 4 in ~~subsections (f) through (i) subsection (1)~~ subsection (1) on the
 5 basis of the budgets approved by the ~~superintendent of~~
 6 public instruction board of regents. The funds earned by the
 7 mill levy specified in subsection (1)(b) shall be credited
 8 to the postsecondary vocational-technical center account in
 9 the unrestricted subfund of the current fund in the state
 10 treasury.

11 ~~{3}--The--superintendent--of--public--instruction--shall~~
 12 ~~determine the amount of financing available from these--four~~
 13 ~~sources--of revenue and may approve budgets for instruction,~~
 14 ~~plant operations and maintenance, equipment, and support.~~
 15 ~~The--aggregate--amount--of--the--budgets--so approved by the~~
 16 ~~superintendent--of--public--instruction--for--postsecondary~~
 17 ~~vocational-technical--centers--shall--not--exceed the moneys~~
 18 ~~determined to be available."~~

19 Section 19. Section 20-7-325, MCA, is amended to read:

20 "20-7-325. Postsecondary-----vocational-technical
 21 Vocational-technical center funding -- nongeneral fund money
 22 expended first -- reversion of general fund money. (1)
 23 Whenever--an--approved--postsecondary--vocational-technical
 24 center under the provisions of 20-7-311 is operated within a
 25 district, the trustees of such district The board of regents

1 shall request the establishment of the appropriate accounts
 2 for the vocational-technical center system in the state
 3 treasury. These accounts shall be established in the
 4 appropriate state treasury funds as determined by the
 5 department of administration. All money prescribed and
 6 received under the provisions of 20-7-324 shall be credited
 7 to these accounts. The expenditure of the money deposited in
 8 the state treasury shall be made in accordance with
 9 procedures established by the department of administration.
 10 Such expenditures shall be made under the budget and for the
 11 programs approved by the ~~superintendent--of--public~~
 12 instruction board of regents under the--provisions--of
 13 ~~20-7-323 and~~ the financial administration provisions of this
 14 title.

15 (2) A postsecondary vocational-technical center shall
 16 apply expenditures against nongeneral fund money wherever
 17 possible before using state general fund appropriations. All
 18 state general fund money appropriated or disbursed to a
 19 postsecondary vocational-technical center which are
 20 unexpended at fiscal year end shall revert to the state
 21 general fund.

22 ~~{3}--The-----approval-----of-----the-----postsecondary~~
 23 ~~vocational-technical--center--budget and subsequent revision~~
 24 ~~or amendment of such budget by the superintendent of--public~~
 25 ~~instruction shall constitute the final budget approval.~~

~~{4}--Whenever----the----county----tax---prescribed---in
20-7-324{1}{b}-is-to-be-used-in-support-of-the-postsecondary
vocational-technical-center, the--county--commissioners--are
authorized-to-levy-such-tax-on-the-county-in-accordance-with
the-provisions-of-20-9-142."~~

Section 20. Section 20-7-327, MCA, is amended to read:

"20-7-327. Source of financing for postsecondary vocational-technical center facility maintenance. The source of funds for maintenance, remodeling, and renovation of postsecondary vocational-technical center facilities may be either local funds federal funds or state funds specifically appropriated by the legislature and approved by the superintendent--of--public--instruction board of regents, or any combination of these funds."

Section 21. Section 20-7-332, MCA, is amended to read:

"20-7-332. Tuition rates. (1) Tuition may be charged to any resident or nonresident of the state of Montana by the governing---board director of any postsecondary vocational-technical center at rates to be determined by the superintendent--of--public--instruction board of regents AND THE PROVISIONS OF SUBSECTION (3). The superintendent--of public--instruction board of regents shall also prescribe permissible uses for any tuition authorized.

(2) For the purposes of this section the eligibility of a student for resident status shall be determined in the

same manner as that prescribed for use by the Montana university system, except that those provisions referring to "high school graduates" or "graduation from high school" shall be considered to refer to a person who has attended school or who was in attendance at a school.

(3) IF AN ADDITIONAL LEVY FOR A CENTER IS APPROVED UNDER [SECTION 27], THE BOARD OF REGENTS MAY CHARGE AN ADDITIONAL TUITION AMOUNT NOT TO EXCEED \$40 A QUARTER TO A STUDENT AT THE CENTER WHO IS A RESIDENT OF MONTANA BUT WHO IS NOT A PROPERTY TAXPAYER OF THE COUNTY OR AN OWNER OF A VEHICLE REGISTERED WITHIN THE COUNTY WHERE THE CENTER IS LOCATED."

Section 22. Section 20-7-333, MCA, is amended to read:

"20-7-333. Pupil Student fees and disposition of collected fees. (1) Fees for the use of equipment and material used in instruction may be charged by the trustees or other--governing--board director of the postsecondary vocational-technical center. The superintendent-of-public instruction board of regents shall prescribe the basis bases and limitations for the charging of such fees.

(2) Fees collected by the postsecondary vocational-technical center shall be deposited with the state treasurer in the fund designated by the superintendent of-public-instruction board of regents for the receipt of such fees. The expenditure of the fees shall not be subject

1 to budget limitations and shall be in addition to the
2 program budgets approved by the superintendent--of--public
3 instruction board of regents."

4 Section 23. Section 20-9-403, MCA, is amended to read:
5 "20-9-403. Bond issues for certain purposes. (1) The
6 trustees of a school district may issue and negotiate bonds
7 on the credit of the school district for the purpose of:

8 (a) building, altering, repairing, buying, furnishing,
9 equipping, purchasing lands for, and/or obtaining a water
10 supply for a school, teacherage, dormitory, gymnasium, other
11 building, or combination of said buildings for school
12 purposes,---including---postsecondary---vocational-technical
13 ~~centers-in-the-school-district;~~

14 (b) buying a school bus or buses;

15 (c) providing the necessary money to redeem matured
16 bonds, maturing bonds, or coupons appurtenant to bonds when
17 there is not sufficient money to redeem them;

18 (d) providing the necessary money to redeem optional
19 or redeemable bonds when it is for the best interest of the
20 school district to issue refunding bonds; or

21 (e) funding a judgment against the district.

22 (2) Any money realized from the sale of any bonds
23 issued on the credit of a high school district shall not be
24 used for any of the above purposes in an elementary school
25 district, and such money may be used for any of the above

1 purposes for a junior high school but only to the extent
2 that the 9th grade of the high school is served thereby."

3 Section 24. Section 20-9-513, MCA, is amended to read:

4 "20-9-513. ~~Postsecondary-----vocational-technical~~
5 Vocational-technical center and adult basic education
6 programs account established. There is within the state
7 special revenue fund a postsecondary vocational-technical
8 center and adult basic education account. Money is paid into
9 the account under 90-6-211. The state treasurer shall draw
10 warrants payable from this account upon order of the
11 superintendent of public instruction or the board of regents
12 up to the amount provided for each under 90-6-211 by the
13 biennium budget passed by the legislature."

14 Section 25. Section 39-71-118, MCA, is amended to
15 read:

16 "39-71-118. Employee, worker, and workman defined. (1)
17 The terms "employee", "workman", or "worker" mean:

18 (a) each person in this state, including a contractor
19 other than an independent contractor, who is in the service
20 of an employer, as defined by 39-71-117, under any
21 appointment or contract of hire, expressed or implied, oral
22 or written. The terms include aliens and minors, whether
23 lawfully or unlawfully employed, and all of the elected and
24 appointed paid public officers and officers and members of
25 boards of directors of quasi-public or private corporations

1 while rendering actual service for such corporations for
 2 pay. Casual employees as defined by 39-71-116(3) are
 3 included as employees if they are not otherwise covered by
 4 workers' compensation and if an employer has elected to be
 5 bound by the provisions of the compensation law for these
 6 casual employments, as provided in 39-71-401(2). Household
 7 or domestic service is excluded.

8 (b) a recipient of general relief who is performing
 9 work for a county of this state under the provisions of
 10 53-3-303 through 53-3-305 and any juvenile performing work
 11 under authorization of a district court judge in a
 12 delinquency prevention or rehabilitation program;

13 (c) a person receiving on-the-job vocational
 14 rehabilitation training or other on-the-job training under a
 15 state or federal vocational training program, whether or not
 16 under an appointment or contract of hire with an employer as
 17 defined in this chapter and whether or not receiving payment
 18 from a third party. However, this subsection does not apply
 19 to students enrolled in vocational training programs as
 20 outlined above while they are on the premises of a public
 21 school or community college.

22 (d) students enrolled and in attendance in programs of
 23 vocational-technical education approved-by-the-state-board
 24 of---public---education at designated postsecondary
 25 vocational-technical centers; or

1 (e) an airman or other person employed as a volunteer
 2 under 67-2-105.

3 (2) If the employer is a partnership or sole
 4 proprietorship, such employer may elect to include as an
 5 employee within the provisions of this chapter any member of
 6 such partnership or the owner of the sole proprietorship
 7 devoting full time to the partnership or proprietorship
 8 business. In the event of such election, the employer must
 9 serve upon the employer's insurer written notice naming the
 10 partners or sole proprietor to be covered, and no partner or
 11 sole proprietor shall be deemed an employee within this
 12 chapter until such notice has been given. For premium
 13 ratemaking and for the determination of weekly wage for
 14 weekly compensation benefits, the insurance carrier shall
 15 assume a salary or wage of such electing employee to be not
 16 less than \$900 a month and not more than 1 1/2 times the
 17 average weekly wage as defined in this chapter."

18 Section 26. Section 90-6-211, MCA, is amended to read:

19 "90-6-211. Disposition of interest from unexpended
 20 balance. The unexpended balance in the local impact and
 21 education trust fund account shall be invested as provided
 22 by statute by the board of investments. Of the income from
 23 such investments each year 10% shall be paid into the state
 24 special revenue fund for use by the superintendent of public
 25 instruction for purposes of the---postsecondary

~~vocational-technical--centers--and~~ adult basic education programs in the state, ~~subject-to-the-budgeting-authority-of the--legislature~~ and for use by the board of regents for vocational-technical center education programs in the state, as provided in the biennium budget passed by the legislature. Within the account under 20-9-513, the revenue is shared between the postsecondary vocational-technical centers and the adult basic education programs as provided in the biennium budget passed by the legislature. Of the remaining 90% of the income from such investments, three-fourths shall be annually paid into the state special revenue fund for state equalization aid to public schools of the state and one-fourth each year shall be paid to the board of regents of higher education for use by the institutions of higher learning in the state, subject to the budgeting authority of the legislature. Except as provided in 90-6-205(5), the principal of the local impact and education trust fund shall be dedicated to education and forever remain inviolate and sacred to this purpose as provided in sections 3 and 10 of Article X of the Montana constitution."

NEW SECTION. SECTION 27. ADDITIONAL LEVY BY SCHOOL DISTRICT -- PROCEDURE. (1) FOR SCHOOL FISCAL YEARS 1988 AND 1989, THE TRUSTEES OF A SCHOOL DISTRICT THAT OPERATED A VOCATIONAL-TECHNICAL CENTER PRIOR TO JULY 1, 1987, MAY

PROPOSE TO THE BOARD OF REGENTS THAT A BUDGET FOR SALARIES, BENEFITS, OPERATIONS, AND EQUIPMENT BE ADOPTED FOR THE CENTER IN EXCESS OF THE AMOUNT APPROPRIATED BY THE LEGISLATURE.

(2) IF THE BOARD OF REGENTS APPROVES OF A BUDGET FOR A CENTER IN EXCESS OF THE APPROPRIATED AMOUNT, THE TRUSTEES OF THE DISTRICT THAT OPERATED THE CENTER SHALL SUBMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT, PURSUANT TO 20-20-301 AND IN THE MANNER PRESCRIBED BY 20-9-353, A PROPOSITION FOR AN ADDITIONAL LEVY FOR THE ADDITIONAL FUNDING. WHEN THE PROPOSITION IS PRESENTED TO THE ELECTORATE, THE PROPOSITION MUST BE PRESENTED AS A SEPARATE ISSUE ON THE BALLOT.

(3) IF A PROPOSITION FOR AN ADDITIONAL LEVY FOR A VOCATIONAL-TECHNICAL CENTER IS APPROVED BY THE ELECTORATE, THE BOARD OF REGENTS SHALL REQUEST THE ESTABLISHMENT OF AN INDIVIDUAL ACCOUNT FOR THE CENTER IN THE STATE TREASURY AS DETERMINED BY THE DEPARTMENT OF ADMINISTRATION. THE FUNDS IN EACH CENTER ACCOUNT ARE AVAILABLE FOR APPROVED EXPENDITURES FOR THE CENTER. AFTER JULY 1, 1989, ANY UNEXPENDED FUNDING IN A CENTER ACCOUNT MUST BE RETURNED TO THE SCHOOL DISTRICT THAT REQUESTED THE ADDITIONAL FUNDING.

NEW SECTION. SECTION 28. VOCATIONAL-TECHNICAL CENTER EQUIPMENT. THE EQUIPMENT OF A VOCATIONAL-TECHNICAL CENTER DESIGNATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MAY NOT BE TRANSFERRED FROM THE CENTER FOR 2 YEARS WITHOUT CONSENT

1 OF THE SCHOOL DISTRICT BOARD OF TRUSTEES THAT OPERATED THE
 2 CENTER PRIOR TO [THE EFFECTIVE DATE OF THIS ACT].

3 NEW SECTION. SECTION 29. REPORT BY BOARD OF REGENTS.
 4 THE BOARD OF REGENTS SHALL REPORT TO THE 51ST LEGISLATURE ON
 5 THE FOLLOWING CONCERNS:

6 (1) A PLAN FOR REORGANIZATION OF THE DELIVERY SYSTEM
 7 FOR ALL POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION IN
 8 MONTANA;

9 (2) A LONG-TERM PLAN FOR ACHIEVING HIGH QUALITY
 10 VOCATIONAL-TECHNICAL PROGRAMS AT THE VOCATIONAL-TECHNICAL
 11 CENTERS THROUGH THE POSSIBILITY OF PROGRAM SPECIALIZATION AT
 12 EACH CENTER;

13 (3) THE FEASIBILITY AND APPROPRIATENESS OF CLOSURE OF
 14 ONE OR MORE OF THE VOCATIONAL-TECHNICAL FACILITIES;

15 {3}(4) A PLAN FOR ELIMINATION OF PROGRAMS THAT SERVE
 16 FEW STUDENTS;

17 {4}(5) A PLAN FOR CONSOLIDATION OF ADMINISTRATIVE
 18 FUNCTIONS OF THE INDIVIDUAL CENTERS WHICH COULD RESULT IN
 19 COST SAVINGS AND MORE EFFICIENT OPERATIONS; AND

20 {5}(6) THE FEASIBILITY OF CONSOLIDATING POSTSECONDARY
 21 VOCATIONAL-TECHNICAL FACILITIES AND STAFF WITH NEARBY UNITS
 22 OF THE UNIVERSITY SYSTEM.

23 NEW SECTION. Section 30. Repealer. Sections 20-7-304,
 24 20-7-313, 20-7-323, 20-7-326, 20-7-331, 20-9-404, and
 25 20-9-405, MCA, are repealed.

1 NEW SECTION. Section 31. Extension of authority. Any
 2 existing authority of the superintendent of public
 3 instruction to make rules on the subject of the provisions
 4 of this act is extended to the provisions of this act.

5 NEW SECTION. Section 32. Codification instructions.
 6 (1) Sections 1 through 5 AND 27 are intended to be codified
 7 as an integral part of Title 20, and the provisions of
 8 Title 20 apply to sections 1 through 5 AND 27.

9 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
 10 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
 11 intended to be renumbered and codified as an integral part
 12 of a new chapter in Title 20 on the governance of
 13 vocational-technical centers.

14 NEW SECTION. Section 33. Code commissioner name
 15 change. In all sections of the Montana Code Annotated not
 16 contained in this act and in all provisions passed by the
 17 50th legislature wherein reference is made to a
 18 postsecondary vocational-technical center, the code
 19 commissioner shall change the reference to
 20 vocational-technical center.

21 NEW SECTION. Section 34. Effective date. This act is
 22 effective July 1, 1987.

-End-

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 16, 1987

The twenty-second meeting of the Senate Education and Cultural Resources Committee was called to order by the Vice Chairman, Senator Chet Blaylock, at 1:04 p.m. in Room 402 of the State Capitol.

ROLL CALL: All committee members were present with the exception of Senator Pinsoneault.

CONSIDERATION OF HOUSE BILL 39: REPRESENTATIVE DONALDSON, District 43, sponsor of the bill, said it is the "Vo-Tech Governance Bill". He said the bill transfers the governance of the five Vo-tech centers to the Board of Regents. He said the bill ensures the transfer of credits, is efficient and enhances vo-tech training. He reviewed the bill, pointing out page 2, line 20 should be amended to read "deputy commissioner". He said the new Section 2 amended material effects a compromise on the sale agency issue. New Section 5 deals with existing center employees and the collective bargaining process and benefits. Section 18 addresses the funding mechanisms. The 1½ mill levy currently assessed in the five counties with vo-tech centers stays in place. He noted the House attempted to levy 1½ mills statewide but it reverted to the 1½ mills in each of the five counties. He also said \$4.7 million is appropriated from the coal tax educational trust fund for transition and bonding purposes. He said that figure is flexible at this point. He presented a sheet of proposed amendments to the committee for further consideration. (Exhibit 1) He said it has taken four years of enormous effort by a number of people to get to this point. He said the bill covers the governance situation pretty well. Not everyone is happy, but everyone can live with it.

PROPOSERS: GENE CHRISTIANSEN, Assistant Superintendent for Vo-techs, Office of Public Instruction, said OPI supports the bill. He noted 20-9-404 and 405 relate to current secondary vo-tech education and should not be confused with post-secondary centers. He said those two references should be stricken.

SENATOR GEORGE McCALLUM, District 26, Chairman of the Interim Committee on Vo-tech Governance, said he has served on this committee as well as two other interim committees studying this issue in the last 10 years. He said this is finally a plan which has the support of the majority of the communities, agencies, and groups interested in Vo-tech Governance. He said he's convinced this is the best way to go and that the Regents are the most qualified to handle it.

CARROL KRAUSE, Commissioner of Higher Education, said all but one of the states have merged their vo-tech centers and community colleges. The students need to be degreed or they will be at a disadvantage with graduates from other states without it. He said he felt the funding is specifically controlled although he has some concerns about WICHE/WAMI funds if all the educational funds are used.

BOB ANDERSON, Montana School Boards Association, expressed support for the bill. He also expressed concern over the use of educational trust funds.

KEITH GILBERT, President, Billings Vo-tech Student Council, said if vocational technical education is important to the whole state, it should be supported by a statewide levy rather than just the five counties. He expressed support for the bill.

DENNIS KRAFT, Superintendent of Schools, Missoula, said he and the Missoula School Board support the single governance concept. He said 50% of the students at Missoula Vo-tech came from elsewhere in the state. He urged support for the bill.

LORNA FRANK, Montana Farm Bureau, expressed support for the bill.

PHIL CAMPBELL, Montana Education Association, said the MEA represents the employees of four of the five centers. He felt the transition period gives enough time and options for the current employees. He said the major problem is funding; the philosophical problem is governance. He suggested adding 1% to the 5% surtax dedicated to higher education to help fund the vo-techs. He asked the committee to be sure if the educational trust is depleted, that the proceeds are spent on education.

PAUL STAHL, Chairman, Helena Board of Trustees, expressed support for the bill. His main concern was for the employees. He said they would be willing to pay more in the transition if it is what it takes to avert a crisis in that area.

WILL WEAVER, Director, Great Falls Vo-tech Center, said the Great Falls Board will support the bill under certain conditions.

KAREN DOOLEN, Chairman, Billings Board of Trustees, expressed support for the bill and the funding.

HARRY FREEBOURNE, Butte, said the Board of Trustees doesn't care who governs on the state level as long as local control is maintained.

OPPONENTS: SENATOR J. D. LYNCH, District 34, Butte, said the \$4.7 million is just the bait to pass the bill. He asked what will happen when the bait is gone. He said giving the five vo-techs to the Board of Regents is just like giving sick kids to child abusers. He pointed out Dr. Krause was concerned about the WICHE/WAMI funds. Senator Lynch felt those funds would be a higher priority than vo-tech funding. He asked the committee not to pass the bill with no funding guarantee. He said a statewide levy, surtax, or any permanent funding mechanism is essential if the vo-techs are to avoid being the bastard calves several years down the road.

DISCUSSION BY THE COMMITTEE MEMBERS: SENATOR REGAN asked Rep. Donaldson for clarification of on-going funding.

REP. DONALDSON said the 1½ mills is all he is suggesting from the five counties. If it is taken out, it will have to be replaced somehow.

SENATOR HAMMOND asked if any thought had been given to enlarging the districts.

REP. DONALDSON said the interim committee looked at the same districts as community colleges. The problem is an increase in the levy amounts to a property tax increase and that can't be done under the impact of I-105.

SENATOR MAZUREK asked why the employees hadn't been heard from.

SENATOR LYNCH said they were opposed before the \$4.7 million came in. They feel it will be okay for two years, but they are worried about funding beyond that.

SENATOR REGAN asked Dr. Krause if we have too many vo-techs.

DR. KRAUSE said he didn't know, but felt five different administrative systems are too many. Consolidation in administration is a necessity. He felt each vo-tech could be a specialty program and thereby avoid program duplication, however, those decisions will be dealt with carefully and with a great deal of study.

SENATOR NEUMAN asked if super-tuition was out, and if so, what is the impact.

REP. DONALDSON said it is out. It would have amounted to about \$40 per student.

MR. FREEBOURNE, said the super-tuition would raise about \$11,000 annually in Butte.

SENATOR SMITH felt the economic impact of the vo-tech center in the community (pay-roll, rent, living expenses, etc.) should certainly justify the 1½ mill levy.

MR. KRAFT, Missoula Superintendent, said none of the vo-tech boards object to the 1½ mills; however, they do object to the increase in Missoula from \$57,000 in 1982 to \$677,000 as the contribution from the taxpayers in Missoula County to keep the vo-tech center afloat. That is seven more mills we levy in Missoula, and the Board has decided for the first time to cap it right there.

MIGNON WATERMAN, Helena Board of Trustees, said their share has gone up 1200% in the last five years in Helena.

SENATOR SMITH asked if we use all the educational trust funds now, won't we be in much worse shape two years from now.

REP. DONALDSON said it certainly will be a problem and he didn't know what would happen. He felt it necessitated some immediate long-range planning.

SENATOR BLAYLOCK said as he remembered two years ago, four of the five centers said they would shut down if a solution isn't found. He felt if we don't do something

this session, those threats will become reality and the students will be serious losers.

DR. KRAUSE said the staff were well represented during the interim by Phil Campbell of the MEA. He said the 1½ mills has to be maintained as a funding base.

REP. DONALDSON said the voted levy sunsets in two years.

SENATOR MAZUREK asked if the Senate can amend an appropriation into a House bill.

SENATORS McCALLUM and BLAYLOCK said they didn't think so; however, it would be a Rules Committee decision.

SENATOR HAMMOND asked if it is the 1½ mills that sunsets.

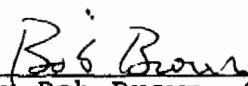
REP. DONALDSON said no, it is the voted levy over and above the 1½ mills that will sunset.

REP. DONALDSON closed by saying the bill, as written, calls for a mandatory 1½ mill levy in the counties where the centers are located. It also allows for the voted levy in the district and the super-tuition for people who attend the school but are not taxpayers of the district. The proposed amendments would continue the 1½ mills, and in effect, transfer the responsibility for the funds generated by the voted levy and the super-tuition to the educational trust fund. He said he did check with the Council on the appropriation question and they felt we could do it. He felt local districts have made a strong commitment to vo-techs in the past and way beyond, and they are willing to maintain the 1½ mills. He said as far as future funding, there are no guarantees for anyone. They will have to compete like everyone else. The bill does provide the support for a transitional period and streamlines the process of providing for the needs of the students, which is, after all, the bottom line. He pointed out vo-techs serve the short term student as opposed to other university system units. They are taking short course training to enable them to be more employable. They have fewer resources and are not the traditional student. He said of all the solutions that have been considered, this comes closest to solving the problem. It does not solve all the problems for the next decade, but it does solve the problem we're addressing today. It also answers most of the concerns of the students, faculties,

Education and Cultural Resources
March 16, 1987
Page 6

boards, agencies, and the state. He urged the committee to support the bill.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned.



Senator Bob Brown, Chairman

jdr

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/16

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BOB BROWN	✓		
SENATOR CHET BLAYLOCK	✓		
SENATOR GEORGE McCALLUM	✓		
SENATOR ED SMITH	✓	<i>tardy</i>	
SENATOR PAT REGAN	✓		
SENATOR JOE MAZUREK	✓	<i>Tardy</i>	
SENATOR BILL FARRELL	✓		
SENATOR TED NEUMAN	✓		
SENATOR DICK PINSONEAULT		✓	✓
SENATOR SWEDE HAMMOND	✓		

Each day attach to minutes.

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Karen Saalen	Billings Public Schs.	HB 39	X	
Jeff Dietz	Billings Vo-Tech	HB 39	X	
Bill Olfert	MLVE - Helena	HB 39	X	
Don Korman	Butte Vo-Tech	HB 39		X
Vern Korman	" "	HB 39		X
Keith Sillert	Billings Vo-Tech	HB 39	X	
Jim Bass	Billings Vo-Tech	H 39	X	
Edith Duckell	Helena Vo Tech	H 39	X	
Charlotte Heath	MT St. LPN Assn	H 39	X	
A. Jay	HVTC	H 39		
Gene Christensen	OPT	HB 39	X	
Paul Stahl	SD #1 Helena	H 39	X	
Albi Capenault	Albany Vo Tech	HB 39	X	
Roger F. Elder	Helena Public Schs.	HB 39	X	
Alvarado Waale	Missoula Public School	HB 39	X	
James Larson	MT Vo Tech Center	HB 39	X	
Carol Brown	Comm. of H. Ed.	HB 39	X	
Ken Denham	MT LPN ASSN	HB 39	X	
Jacquelyn Feltz	MT Home Economics Assn	HB 39		X
William H. Weaver	Great Falls Public Schs.	HB 39	X	
Ray Duckellford	OPT	HB 39	X	
Ernest Croston	HVTC	HB 39	X	
H.D. Fink	Butte	HB 39		
Bob Hansen	MSBA	HB 39	X	
Phil Campbell	MEA	HB 39	X	
John Wheeler	OPT		X	

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

Please leave prepared statement with Case # _____

- Amendments to House Bill 39
• Third reading copy (blue)

1. Title, line 14.

Following: "EDUCATION;"

Insert: "APPROPRIATING MONEY FROM THE LOCAL IMPACT AND
EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO
HELP FUND THE VOCATIONAL-TECHNICAL CENTERS;"

2. Title.

Following: line 19

Insert: "AND"

Strike: "20-9-404, AND 20-9-405," on line 20.

3. Page 2, line 20.

Following: "a"

Insert: "deputy"

4. Page 5, line 9.

Following: "the"

Insert: "deputy"

5. Page 5, line 10.

Following: "The"

Insert: "deputy"

6. Page 42, line 18.

Strike: "AVAILABLE"

Insert: "appropriated"

7. Page 43.

Following: line 25

Insert: "NEW SECTION. Section 30. Appropriation. There is
appropriated \$1,454,690 from the local impact and
education trust fund account funded by 15-35-108(3)(b)
to the board of regents for the fiscal biennium ending
June 30, 1989, to be used to operate the
vocational-technical centers."

Renumber: subsequent sections

8. Page 43, lines 24 and 25.

Following: "20-7-323,"

Insert: "and"

Strike: "20-9-404, and 20-9-405,"

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCE COMMITTEE
MONTANA STATE SENATE

March 18, 1987

The twenty-third meeting of the Senate Education and Cultural Resources Committee was called to order at 1:07 p.m. in Room 402 of the State Capitol, by chairman Bob Brown.

ROLL CALL: All committee members were present. Senator Pinsoneault was excused at 1:15 p.m.

CONSIDERATION OF HOUSE BILL 171: REPRESENTATIVE FRITZ, House District 56, sponsor of the bill, said the Teacher's Retirement Board hires an actuary, and this bill simply ensures he is qualified.

PROPONENTS: DAVID SENN, Administrator, Teacher's Retirement Board, stated not all actuaries are qualified to assist the Board with the technical actuarial aspects of the operation of the retirement system. He said qualifications are needed so actuaries understand them before they bid on the job.

OPPONENTS: There were no opponents.

QUESTIONS BY THE COMMITTEE: SENATOR MAZUREK asked why qualifications are not spelled out rather than stating the actuary must be a member of the American Academy of Actuaries or comparable professional association.

MR. SENN replied members of those organizations are qualified. As federal law changes it would not be necessary to constantly change state law with this language.

There being no further discussion, Rep. Fritz closed.

CONSIDERATION OF HOUSE BILL 820: REPRESENTATIVE FRITZ, House District 56, sponsor of the bill, said the bill was introduced at the request of the Associated Students of all units of the university system. They are in danger of losing the interest on the student activities fees because the fees have been determined to be in a current

EXECUTIVE SESSION

ACTION ON HOUSE BILL 198: SENATOR HAMMOND moved House Bill 198 BE CONCURRED IN. The motion CARRIED with Senators Neuman and Mazurek voting no, and Senator Pinsoneault absent.

ACTION ON HOUSE BILL 171: SENATOR REGAN moved House Bill 171 BE CONCURRED IN.

SENATOR MAZUREK moved to amend the bill on page 1, line 25, thru line 2 on page 2 by striking the new language and inserting "who meets the qualifications established by the Teachers Retirement Board".

SENATOR FARRELL said House Bill 300 dealing with actuaries, is currently in State Administration. He felt it was curious that two actuary bills would appear at the same time. He also pointed out if actuaries are changed in mid-stream, assumptions can also be changed and he requested some time to make some inquiries before action on the bill.

ACTION ON HOUSE BILL 83: SENATOR SMITH said his bill, Senate Bill 35, has passed and been signed by the Governor.

SENATOR MCCALLUM moved HB 83 BE TABLED. Senator McCallum felt Senator Smith's bill goes a long way and should be given a chance for two years.

The motion CARRIED unanimously.

ACTION ON HOUSE BILL 576: SENATOR HAMMOND moved House Bill 576 BE CONCURRED IN. The motion CARRIED with Senator Neuman voting no.

ACTION ON HOUSE BILL 35: SENATOR SMITH moved House Bill 35 be laid on the table. The motion CARRIED unanimously.

ACTION ON HOUSE BILL 820: SENATOR MAZUREK moved House Bill 820 BE CONCURRED IN. The motion CARRIED unanimously.

ACTION ON HOUSE BILL 39: SENATOR REGAN felt a horrendous problem is posed in the bill as appropriations must originate in the House, and the amendments in the bill appropriate \$4.9 million from the educational trust fund. She felt it couldn't be done and furthermore, she stated if the bill can't be permanently funded, it shouldn't be passed.

SENATOR MCCALLUM wanted to hold the bill for awhile.

SENATOR BROWN appointed a sub-committee composed of Senators McCallum, Regan, and Blaylock to review the funding mechanism.

ACTION ON HOUSE BILL 365: SENATOR REGAN moved House Bill 365 BE NOT CONCURRED IN.

SENATOR MCCALLUM said the purpose of the subcommittee in proposing the bill was to determine if districts receiving \$3000 per student ANB are providing a better education than districts receiving \$1700 per student ANB payment.

SENATOR BROWN noted a teacher can teach toward a test and make the students look great and vice versa. He felt all this bill will do is indicate one school is better than another on a specific test.

SENATOR REGAN felt the tests will only indicate a minimum level of achievement. She pointed out unless you give orals and essays, you aren't measuring accurately. With a standardized test, you are only measuring recall.

SENATOR BLAYLOCK stated he agreed with Senators Regan and Brown and said one element is missing in the curriculum - the teaching of actual thinking and a means of measuring it. He warned if this bill is not passed then the legislature had better quit hounding the Board of Public Education for information.

SENATOR HAMMOND felt the bill has a great deal of merit. He said the merit finalists and semi-finalists were always very successful in pursuing advanced education and careers.

SENATOR REGAN said we have to decide if we believe a single test will adequately measure what students have learned in a year. She reiterated any given test only measures a minimum, not thinking, speaking, or writing.

SENATOR SMITH felt the language of the bill is wide enough to enable a wide range of testing.

SENATOR MAZUREK felt this bill gives very broad authority to the Board of Public Education with no oversight by anyone.

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/18/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BOB BROWN	✓		
SENATOR CHET BLAYLOCK	✓		
SENATOR GEORGE McCALLUM	✓		
SENATOR ED SMITH	✓		
SENATOR PAT REGAN	✓		
SENATOR JOE MAZUREK	✓		
SENATOR BILL FARRELL	✓		
SENATOR TED NEUMAN	✓		
SENATOR DICK PINSONEAULT	✓		1:15 pm
SENATOR SWEDE HAMMOND	✓		

Each day attach to minutes.

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 23, 1987

The twenty-fifth meeting of the Senate Education and Cultural Resources Committee was called to order at 1:00 p.m. by the chairman, Senator Bob Brown, in Room 402 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 619: REP. GIACOMETTO, District 24, sponsor of the bill, said the bill allows trustees to invest school funds out of county if better rates can be obtained than in county. Under current law, funds can only be invested in county.

PROPOSERS: BRUCE MOERER, Montana School Boards Association, said the bill will give trustees more flexibility and allow them to maximize their interest rates by looking elsewhere.

OPPOSERS: There were no opponents to the bill.

REPRESENTATIVE GIACOMETTO closed the hearing on HB 619.

CONSIDERATION OF HOUSE BILL 356: REPRESENTATIVE HARRINGTON, District 68, sponsor of the bill, said the bill changes the notification deadlines for non-hiring of tenured teachers from April 1 to April 15 and for non-tenured teachers from April 15 to the 30th. Due to so many mill levies failing on the first try, and this year so many boards waiting to run their levy elections until Foundation Program funding is set, the later deadlines give the trustees some breathing room. In many cases, notice will not have to be given at all with the extension of time in place. He said he introduced the bill on behalf of the Montana School Boards Association and would not oppose a May 1 deadline if the committee saw fit to amend the bill.

PROPOSERS: TAMMY HALL, Bozeman School Trustee, and Legislative Chairman of the MSBA Delegate Assembly, said

the MSBA supports the bill. Without knowing what the mill levy is, they are really in a bind when they have to notify teachers. Nothing precludes them from contracting earlier than these deadlines. She indicated support for a May 1 amendment.

VAL MITCHELL, Office of Public Instruction, supported the bill with or without the May 1 amendment.

OPPONENTS: ERIC FEAVER, Montana Education Association, said he opposed the bill in the House because he felt the bill didn't do anything. He said this year is the worst for teachers because of the legislative financial problems. He asked the committee to amend the bill to reflect a May 1 deadline for both tenured and non-tenured teachers, as it will do much towards elimination of the confusion, panic, and despair we see around the state at this time of year. He said he would support the bill with the May 1 amendment.

REPRESENTATIVE HARRINGTON closed the hearing on HB 356.

EXECUTIVE ACTION

ACTION ON HOUSE BILL 356: SENATOR BLAYLOCK moved to amend the bill by inserting May 1 as per the attached Standing Committee Report. (Exhibit 1)

SENATOR BLAYLOCK moved House Bill 356 BE CONCURRED IN AS AMENDED. The motion CARRIED unanimously.

ACTION ON HOUSE BILL 619: SENATOR MAZUREK moved House Bill 619 BE CONCURRED IN. The motion CARRIED unanimously.

ACTION ON HOUSE BILL 39: SENATOR McCALLUM, Chairman of the subcommittee, presented the proposed amendments. (Exhibit 2) He noted they had reduced the funding with the approval of Dr. Krause and Senator Regan. The amendments reflect \$1.4 million to pay for the bonding. The county 1½ mill levy would continue for two years as well as the additional local levies which each district carries. This, in effect, gives a two year transition period.

SENATOR McCALLUM moved the amendments be adopted. The motion CARRIED unanimously.

SENATOR McCALLUM moved House Bill 39 BE CONCURRED IN AS AMENDED.

SENATOR NEUMAN asked who will do the feasibility study in the interim, and how will it be funded.

DR. KRAUSE said he felt they (Board of Regents) could get the study done and would probably be using federal monies that are available for this purpose.

SENATOR REGAN directed Dr. Krause to negotiate an agreement with the Office of Public Instruction's Sex-Equity Officer.

DR. KRAUSE said that is addressed in the appropriations bill using earmarked federal funding.

SENATOR NEUMAN wanted to know if the local advisory boards travel to Helena.

DR. KRAUSE said these are the same local boards that are now in place, and their function will remain the same.

SENATOR McCALLUM'S motion that House Bill 39 BE CONCURRED IN AS AMENDED, CARRIED with Senators Smith and Pinsoneault voting no.

CONSIDERATION OF HOUSE BILL 839: REPRESENTATIVE SANDS, District 90, sponsor of the bill, said the bill is a local option alternative to create single member trustee districts. The bill is a result of the "Windy Boy" lawsuit in Hardin, where some of the members of the Indian community felt they were not adequately represented on the school board. They sued under the provisions of the federal Voting Rights Act, indicating that because they could not vote in single member districts, they were discriminated against. They won the lawsuit and it is the opinion of legal authorities that in another district the minority decision would hold also. This bill attempts to address the issue by allowing the trustees to propose a plan for single member districts which would have two main provisions: 1) it should be as compact and equal in population and area as possible; and 2) provide equitable voting rights for the members of the minority residing within the district. He reviewed the procedural aspects of the bill. He pointed out one significant change states that a trustee candidate must be a member of the district they want to represent, and be nominated by the electors of that district.

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/23/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BOB BROWN	✓		
SENATOR CHET BLAYLOCK	✓		
SENATOR GEORGE McCALLUM	✓		
SENATOR ED SMITH	✓		
SENATOR PAT REGAN	✓		
SENATOR JOE MAZUREK	✓		
SENATOR BILL FARRELL	✓		
SENATOR TED NEUMAN	✓		
SENATOR DICK PINSONEAULT	✓		
SENATOR SWEDE HAMMOND			

Each day attach to minutes.

SENATE EDUCATION

REPORT NO.

DWE

BILL NO.

- Amendments to House Bill 39
- Third reading copy (blue)

1. Title, line 14.

Following: "EDUCATION;"

Insert: "APPROPRIATING MONEY FROM THE LOCAL IMPACT AND
EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO
HELP FUND THE VOCATIONAL-TECHNICAL CENTERS;"

2. Title.

Following: line 19

Insert: "AND"

Strike: "20-9-404, AND 20-9-405," on line 20.

3. Page 2, line 20.

Following: "a"

Insert: "deputy"

4. Page 5, line 9.

Following: "the"

Insert: "deputy"

5. Page 5, line 10.

Following: "The"

Insert: "deputy"

6. Page 42, line 18.

Strike: "AVAILABLE"

Insert: "appropriated"

7. Page 43.

Following: line 25

Insert: "NEW SECTION. Section 30. Appropriation. There is
appropriated \$1,454,690 from the local impact and
education trust fund account funded by 15-35-108(3)(b)
to the board of regents for the fiscal biennium ending
June 30, 1989, to be used to operate the
vocational-technical centers."

Renumber: subsequent sections

8. Page 43, lines 24 and 25.

Following: "20-7-323,"

Insert: "and"

Strike: "20-9-404, and 20-9-405,"

BG/BG3/hb39amd.txt

STANDING COMMITTEE REPORT

SCRHB39.SCR

Page 2 of 2
SCRHB39

SENATE

SCRHB39

March 23, 1987

MR. PRESIDENT

Education and Cultural Resources

We, your committee on
House Bill 39
having had under consideration No
third blue
reading copy (.....)
color

TRANSFERRING GOVERNANCE OF VO-TECHS TO BOARD OF REGENTS

DONALDSON (McCALLUM)

Respectfully report as follows: That House Bill No 39
BE AMENDED AS FOLLOWS:

1. Title, line 14.
Following: "EDUCATION;"
Insert: "APPROPRIATING MONEY FROM THE LOCAL IMPACT AND
EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO
HELP FUND THE VOCATIONAL-TECHNICAL CENTERS;"

2. Title, line 19.
Following: "20-7-326"
Insert: "AND"

3. Title, line 20.
Strike: "20-9-404, AND 20-9-405,"

4. Page 2, line 20.
Following: "a"
Insert: "deputy"

5. Page 5, line 9.
Following: "the"
Insert: "deputy"

6. Page 5, line 10.
Following: "The"
Insert: "deputy"

7. Page 42, line 18.
Strike: "AVAILABLE"
Insert: "appropriated"

XXXXXXS

XXXXXXS

8. Page 43.

Following: line 22

Insert: "NEW SECTION. Section 30. Appropriation. There is
appropriated \$1,454,690 from the local impact and
education trust fund account funded by 15-35-108(3)(b)
to the board of regents for the fiscal biennium ending
June 30, 1989, to be used to operate the
vocational-technical centers."

Renumber: subsequent sections

9. Page 43, lines 24 and 25.

Following: "20-7-326,"

Insert: "and"

Strike: "20-9-404, and 20-9-405,"

AND AS AMENDED
BE CONCURRED IN

Bob Brown

CONTINUED

Chairman.

Bob Brown

Senator Brown

3-24-87
9:45
PM

3-24-87
9:45
PM

1 STATEMENT OF INTENT

2 HOUSE BILL 39

3 House Education and Cultural Resources Committee

4
5 Section 1 of the bill requires the board of regents to
6 adopt rules implementing the board's powers and duties. The
7 legislature intends these rules to encompass the full range
8 of board powers and duties and intends that the board begin
9 the process of adopting rules prior to the July 1, 1987,
10 effective date for implementation of the act.

11 The board should study the office of public
12 instruction's postsecondary vocational-technical education
13 rules, which are superseded by this act, since these rules
14 may give the board guidance.

HOUSE BILL NO. 39

INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,
M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY
BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE
ON VO-TECHS/JOB TRAINING

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
CENTERS; ALLOWING FOR A VOTE FOR AN ADDITIONAL LEVY TO
SUPPORT A CENTER; REQUESTING THE BOARD OF REGENTS TO REPORT
TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF
POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION; APPROPRIATING
MONEY FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT
TO THE BOARD OF REGENTS TO HELP FUND THE
VOCATIONAL-TECHNICAL CENTERS; AMENDING SECTIONS 19-4-302,
20-1-101, 20-3-103, 20-3-106, 20-6-501, 20-7-301,
20-7-302.1, 20-7-303, 20-7-311, 20-7-312, 20-7-314,
20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332, 20-7-333,
20-9-403, 20-9-513, 39-71-118, AND 90-6-211, MCA; REPEALING
SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-326, AND
20-7-331, ~~20-9-404~~, ~~--AND--20-9-405~~, MCA; AND PROVIDING AN
EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Powers and duties of board of
regents. The board of regents has general administrative and
supervisory control over vocational-technical center
education and shall:

(1) establish and when necessary amend a plan for the
orderly development of vocational-technical center education
that is consistent with federal and state law, controlled to
prevent unnecessary duplication, and funded to ensure
necessary growth and quality education;

(2) adopt standards for courses and programs;

(3) implement a review process for establishing and
deleting programs and courses that recognizes the present
and future needs of employers and provides qualified
graduates for positions for which there is or may in the
near future be a demand;

(4) establish student entrance and graduation
requirements;

(5) appoint a director, to serve at the pleasure of
the board, for each vocational-technical center and
establish minimum qualifications for faculty, directors,
administrative staff, and other personnel;

(6) appoint a DEPUTY commissioner of
vocational-technical center education, to serve at the
pleasure of the board;

1 (7) establish student tuition and prescribe the bases
2 and limitations for charging of fees, taking into account
3 funding available from all other sources AND THE PROVISIONS
4 OF 20-7-332(3);

5 (8) determine the amount to be paid for the lease of
6 buildings;

7 (9) adopt budget requests for the vocational-technical
8 center education system;

9 (10) establish a procedure by which students can
10 receive part of their education and training through
11 programs, courses, and on-the-job training offered by the
12 private sector and not available at the centers;

13 (11) establish a procedure by which qualified persons
14 in the private sector can participate in the training and
15 teaching of students in the centers' classrooms when such
16 persons have training, knowledge, and skills not available
17 through the centers' faculty;

18 (12) provide means by which the centers' faculty can
19 obtain advanced education and training in new areas and
20 either be reimbursed for their expenses or raised to a
21 higher salary level, or both;

22 (13) establish for the various centers uniform policies
23 for recordkeeping; financial transactions; accounting;
24 maintenance; recruiting, guidance, and placement of
25 students; examinations; personnel relations; and other

1 matters as determined by the board;

2 (14) negotiate with the bargaining representative for
3 personnel of each center or the personnel of the center
4 system in a manner consistent with state and federal law;

5 (15) work with other institutions of higher education
6 to implement the transfer of course credits between those
7 institutions and the vocational-technical centers; and

8 (16) adopt rules and procedures to implement this
9 section and to carry out any other powers and duties of the
10 board.

11 NEW SECTION. Section 2. Sole state agency for federal
12 vocational education requirements. (1) The board of regents
13 is the sole state agency for purposes of the 1985 1984
14 federal Carl D. Perkins Vocational Education Act, 44--U.S.C.
15 23017--et--seq-- AS MAY BE AMENDED, which requires a state
16 participating in programs under that act to designate a
17 state board or agency as the sole state agency responsible
18 for administration or supervision of the administration of
19 those programs.

20 (2) THE BOARD OF REGENTS SHALL CONTRACT WITH THE
21 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE ADMINISTRATION
22 AND SUPERVISION OF K-12 VOCATIONAL EDUCATION PROGRAMS,
23 SERVICES, AND ACTIVITIES ALLOWED BY THE 1984 FEDERAL CARL D.
24 PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED, AND IN
25 CONCERT WITH THE STATE PLAN FOR VOCATIONAL EDUCATION

1 REQUIRED BY THE FEDERAL ACT. THE BOARD OF REGENTS MAY
 2 CONTRACT WITH OTHER AGENCIES FOR THE ADMINISTRATION AND
 3 SUPERVISION OF OTHER VOCATIONAL EDUCATION PROGRAMS,
 4 SERVICES, AND ACTIVITIES THAT RECEIVE FUNDING ALLOWED BY THE
 5 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS
 6 MAY BE AMENDED.

7 NEW SECTION. Section 3. Local advisory boards. The
 8 board of trustees of a school district in which a
 9 vocational-technical center is located shall appoint a local
 10 advisory board, composed of at least five residents of the
 11 county where the center is located, to act in an advisory
 12 capacity to the center and the board of regents.

13 NEW SECTION. Section 4. Duties of the DEPUTY
 14 commissioner of vocational-technical center education. The
 15 DEPUTY commissioner of vocational-technical center education
 16 shall, under the rules and policies of the board of regents:
 17 (1) be the chief administrative officer for the board
 18 of regents for the administration of its
 19 vocational-technical center rules and policies;

20 (2) employ, within the limits of any legislative
 21 appropriation and with the confirmation of the board of
 22 regents, the staff necessary for the state supervision and
 23 administration of the board's vocational-technical center
 24 rules and policies;

25 (3) provide supervisory and consultative assistance to

1 centers;

2 (4) report the status of vocational-technical center
 3 education in Montana when requested by the board of regents;
 4 and

5 (5) perform any other duties assigned by the board of
 6 regents.

7 NEW SECTION. Section 5. Existing center employees.
 8 (1) The rights of persons employed by a vocational-technical
 9 center under a collective bargaining agreement in effect
 10 prior-to DURING THE PERIOD FROM JULY 1, 1987, TO July 1,
 11 1989, may not be impaired, AND THEY MAY, AT ANY TIME PRIOR
 12 TO JULY 1, 1989, EXERCISE ANY RIGHT THEY HAVE UNDER A
 13 COLLECTIVE BARGAINING AGREEMENT TO TRANSFER TO ANOTHER
 14 POSITION WITHIN THE SCHOOL DISTRICT.

15 (2) A person employed by a center under a school
 16 district on June 30, 1989, becomes an employee of the board
 17 of regents on July 1, 1989.

18 (3) Following [the effective date of this section],
 19 the employees of any center OR THE BOARD OF REGENTS may
 20 apply to the board of personnel appeals for determination of
 21 the appropriate bargaining unit or units for the purposes of
 22 collective bargaining for a contract or contracts to be
 23 negotiated with the board of regents prior to July 1, 1989.

24 (4) If a person is employed by a center in any
 25 capacity on July 1, 1989, and has accumulated sick,

vacation, or other leave and years of service with a school district, such leave and years of service shall be transferred fully regardless of the length of employment with the district in which the center is located.

Section 6. Section 19-4-302, MCA, is amended to read:

"19-4-302. Active membership. (1) Unless otherwise provided by this chapter, the following persons must be active members of the retirement system, with the exception that those persons who became eligible for membership on September 1, 1937, or on September 1, 1939, and who elected not to become members under the provisions of the law at that time are not required to be members:

(a) any person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) any person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system or a vocational-technical center;

(c) any person employed in an instructional services capacity by the office of the superintendent of public instruction, the office of a county superintendent, a special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

(d) any person who has elected not to become a member

of the retirement system and is reentering service in a capacity prescribed by (a), (b), or (c) of this subsection (1);

(e) any person who has elected not to become a member of the retirement system, who has been continuously employed in a capacity prescribed by (a), (b), or (c) of this subsection (1) since the time of such election, and who may thereafter elect to become a member of the retirement system.

(2) In order to be eligible for active membership, any person described in subsection (1) must:

(a) be employed in the capacity prescribed for his eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for his creditable service totally paid by an employer as defined herein.

(3) At any time a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine his eligibility for membership. All persons in similar circumstances shall be treated alike."

Section 7. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state

1 university.

2 (2) "Average number belonging" or "ANB" shall mean the
3 average number of regularly enrolled, full-time pupils
4 attending the public schools of a district.

5 (3) "The board of public education" is the board
6 created by Article X, section 9, subsection (3), of the 1972
7 Montana constitution and 2-15-1507.

8 (4) "Board of regents" means the board of regents of
9 higher education created by Article X, section 9, subsection
10 (2), of the 1972 Montana constitution and 2-15-1505.

11 (5) "Commissioner" means the commissioner of higher
12 education created by Article X, section 9, subsection (2),
13 of the 1972 Montana constitution and 2-15-1506.

14 (6) "County superintendent" means the county
15 government official who is the school officer of the county.

16 (7) "District superintendent" means any person who
17 holds a valid class 3 Montana teacher certificate with a
18 superintendent's endorsement that has been issued by the
19 superintendent of public instruction under the provisions of
20 this title and the policies adopted by the board of public
21 education and who has been employed by a district as a
22 district superintendent.

23 (8) "K-12 vocational education" means vocational
24 education in public school grades 1 through 12.

25 {8}--"Postsecondary-vocational-technical-center"--means

1 a-school-used-principally-for-the-provision-of-postsecondary
2 vocational-technical--education--to--persons--who-qualify-as
3 postsecondary-vocational-technical-pupils--These-centers-are
4 designated-by-the-superintendent-of-public-instruction--upon
5 direction--by--the--legislature--All-other-public-or-private
6 schools-are-hereby-prohibited-from-using-this-title-

7 {9}--"Postsecondary---vocational-technical---education"
8 means---vocational-technical---education---of---postsecondary
9 vocational-technical--pupils--which--is---conducted---by---a
10 postsecondary--vocational-technical-center-or-other-programs
11 as-designated-by-the-superintendent-of-public--instruction-
12 Postsecondary--vocational-technical--education-shall-include
13 the-13th-and-14th-year-and-beyond-but-will-not-include--work
14 toward-a-baccalaureate-degree-

15 {10}--"Postsecondary-vocational-technical-pupil"--means-a
16 person--who--has--completed--or--left-school--is-at-least-16
17 years-of-age--and-is-available-for-study-in-preparation--for
18 entering--the-labor-market--for-reentering-the-labor-market--
19 or-for-employment-stability-or-advancement-in-employment-

20 {11}{9} "Principal" means any person who holds a valid
21 class 3 Montana teacher certificate with an applicable
22 principal's endorsement that has been issued by the
23 superintendent of public instruction under the provisions of
24 this title and the policies adopted by the board of public
25 education and who has been employed by a district as a

1 principal. For the purposes of this title, any reference to
2 a teacher shall be construed as including a principal, as
3 herein defined.

4 {12}{10} "Pupil" means any child who is 6 years of age
5 or older on or before September 10 of the year in which the
6 child is to enroll or has been enrolled by special
7 permission of the board of trustees under 20-5-101(3) but
8 has not yet reached his 19th birthday and who is enrolled in
9 a school established and maintained under the laws of the
10 state of Montana at public expense.

11 {13}{11} "Pupil instruction" means the conduct of
12 organized instruction of pupils enrolled in public schools
13 while under the supervision of a teacher.

14 {14}{12} "Regents" means the board of regents of higher
15 education.

16 {15}{13} "School food services" means a service of
17 providing food for the pupils of a district on a nonprofit
18 basis and shall include any food service financially
19 assisted through funds or commodities provided by the United
20 States government.

21 {16}{14} "The state board of education" is the board
22 composed of the board of public education and the board of
23 regents as specified in Article X, section 9, subsection
24 (1), of the 1972 Montana constitution.

25 {17}{15} "State university" means the Montana state

1 university, located at Bozeman.

2 {18}{16} "Superintendent of public instruction" means
3 that state government official designated as a member of the
4 executive branch by the constitution of Montana.

5 {19}{17} "System" means the Montana university system.

6 {20}{18} "Teacher" means any person, except a district
7 superintendent, who holds a valid Montana teacher
8 certificate that has been issued by the superintendent of
9 public instruction under the provisions of this title and
10 the policies adopted by the board of public education and
11 who is employed by a district as a member of its
12 instructional, supervisory, or administrative staff. This
13 definition of a teacher shall also include any person for
14 whom an emergency authorization of employment of such person
15 has been issued under the provisions of 20-4-111.

16 {21}{19} "Textbook" means a book or manual used as a
17 principal source of study material for a given class or
18 group of students.

19 {22}{20} "Textbook dealer" means any party, company,
20 corporation, or other organization selling, offering to
21 sell, or offering for adoption textbooks to districts in the
22 state of Montana.

23 {23}{21} "Trustees" means the governing board of a
24 district.

25 {24}{22} "University" means the university of Montana,

located at Missoula.

(23) "Vocational education" means the instruction to prepare or improve the pupil for gainful employment that does not require a baccalaureate or higher degree. This definition of vocational education shall include guidance and prevocational, related, or technical instruction necessary to prepare the pupil for further vocational education or for entry into employment.

(24) "Vocational-technical center" means an institution used principally for the provision of vocational-technical education to persons who qualify as vocational-technical students. These centers are designated by the board of regents upon direction by the legislature. All other public or private institutions or schools are hereby prohibited from using this title.

(25) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a vocational-technical center, a unit of the Montana university system, or a community college as designated by the board of regents."

Section 8. Section 20-3-103, MCA, is amended to read:

"20-3-103. Deputy superintendent -- staff. (1) The state superintendent of public instruction shall appoint a deputy who, in the absence of the principal or in the case of vacancy in his office, shall perform all the duties of

office until such disability be removed or vacancy be filled. Such deputy shall subscribe, take, and file the oath of office provided by law for other state officers before entering upon the performance of his duties.

(2) The superintendent of public instruction shall have the power to employ, organize, and administer a staff of personnel to assist him in the administration of the duties and services of the office. In organizing his staff, the superintendent of public instruction shall employ:

(a) a supervisor of physical education who is a graduate of an accredited institution of higher education with a master's degree in physical education;

(b) a professional staff for the state supervision and administration of K-12 vocational education; and

(c) a special education supervisor who is a graduate of an accredited institution of higher education with a master's degree in a field of special education for the mentally retarded or physically handicapped and who has not less than 2 years' experience in special education."

Section 9. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title:

1 (1) resolve any controversy resulting from the
2 proration of costs by a joint board of trustees under the
3 provisions of 20-3-362;

4 (2) issue, renew, or deny teacher certification and
5 emergency authorizations of employment;

6 (3) negotiate reciprocal tuition agreements with other
7 states in accordance with the provisions of 20-5-314;

8 (4) serve on the teachers' retirement board in
9 accordance with the provisions of 2-15-1010;

10 (5) approve or disapprove the orders of a high school
11 boundary commission in accordance with the provisions of
12 20-6-311;

13 (6) approve or disapprove the opening or reopening of
14 a school in accordance with the provisions of 20-6-502,
15 20-6-503, 20-6-504, or 20-6-505;

16 (7) approve or disapprove school isolation within the
17 limitations prescribed by 20-9-302;

18 (8) generally supervise the school budgeting
19 procedures prescribed by law in accordance with the
20 provisions of 20-9-102 and prescribe the school budget
21 format in accordance with the provisions of 20-9-103 and
22 20-9-506;

23 (9) establish a system of communication for
24 calculating joint district revenues in accordance with the
25 provisions of 20-9-151;

1 (10) approve or disapprove the adoption of a district's
2 emergency budget resolution under the conditions prescribed
3 in 20-9-163 and publish rules for an application for
4 additional state aid for an emergency budget in accordance
5 with the approval and disbursement provisions of 20-9-166;

6 (11) generally supervise the school financial
7 administration provisions as prescribed by 20-9-201(2);

8 (12) prescribe and furnish the annual report forms to
9 enable the districts to report to the county superintendent
10 in accordance with the provisions of 20-9-213(5) and the
11 annual report forms to enable the county superintendents to
12 report to the superintendent of public instruction in
13 accordance with the provisions of 20-3-209;

14 (13) approve, disapprove, or adjust an increase of the
15 average number belonging (ANB) in accordance with the
16 provisions of 20-9-313 and 20-9-314;

17 (14) distribute state equalization aid in support of
18 the foundation program in accordance with the provisions of
19 20-9-342, 20-9-346, and 20-9-347;

20 (15) distribute state impact aid in accordance with the
21 provisions of 20-9-304;

22 (16) provide for the uniform and equal provision of
23 transportation by performing the duties prescribed by the
24 provisions of 20-10-112;

25 (17) approve or disapprove an adult education program

1 for which a district proposes to levy a tax in accordance
2 with the provisions of 20-7-705;

3 (18) request, accept, deposit, and expend federal
4 moneys in accordance with the provisions of 20-9-603;

5 (19) authorize the use of federal moneys for the
6 support of an interlocal cooperative agreement in accordance
7 with the provisions of 20-9-703 and 20-9-704;

8 (20) prescribe the form and contents of and approve or
9 disapprove interstate contracts in accordance with the
10 provisions of 20-9-705;

11 (21) approve or disapprove the conduct of school on a
12 Saturday or on pupil-instruction-related days in accordance
13 with the provisions of 20-1-303 and 20-1-304;

14 (22) recommend standards of accreditation for all
15 schools to the board of public education and evaluate
16 compliance with such standards and recommend accreditation
17 status of every school to the board of public education in
18 accordance with the provisions of 20-7-101 and 20-7-102;

19 (23) collect and maintain a file of curriculum guides
20 and assist schools with instructional programs in accordance
21 with the provisions of 20-7-113 and 20-7-114;

22 (24) establish and maintain a library of visual, aural,
23 and other educational media in accordance with the
24 provisions of 20-7-201;

25 (25) license textbook dealers and initiate prosecution

1 of textbook dealers violating the law in accordance with the
2 provisions of the textbooks part of this title;

3 (26) as the governing agent and executive officer of
4 the state of Montana for K-12 vocational education, adopt
5 the policies prescribed by and in accordance with the
6 provisions of 20-7-301;

7 ~~{27}-consider--applications--for--the--designation-of-a~~
8 ~~postsecondary-vocational-technical-center-in-accordance-with~~
9 ~~the-provisions-of-20-7-311;~~

10 ~~{28}-establish-a-fund-for-the-handling-of-postsecondary~~
11 ~~vocational-technical-center--fees--in--accordance--with--the~~
12 ~~provisions-of-20-7-333;~~

13 ~~{29}~~{27} supervise and coordinate the conduct of
14 special education in the state in accordance with the
15 provisions of 20-7-403;

16 ~~{30}~~{28} administer the traffic education program in
17 accordance with the provisions of 20-7-502;

18 ~~{31}~~{29} administer the school food services program in
19 accordance with the provisions of 20-10-201, 20-10-202, and
20 20-10-203;

21 ~~{32}~~{30} review school building plans and
22 specifications in accordance with the provisions of
23 20-6-622;

24 ~~{33}~~{31} prescribe the method of identification and
25 signals to be used by school safety patrols in accordance

1 with the provisions of 20-1-408; and

2 ~~(34)~~(32) perform any other duty prescribed from time to
3 time by this title, any other act of the legislature, or the
4 policies of the board of public education."

5 Section 10. Section 20-6-501, MCA, is amended to read:

6 "20-6-501. Definition of various schools. As used in
7 this title, unless the context clearly indicates otherwise,
8 the term "school" means an institution for the teaching of
9 children that is established and maintained under the laws
10 of the state of Montana at public expense. The trustees of
11 any district shall designate the grade assignments for the
12 schools of the district, but for the purposes of this title
13 each school shall be known as:

14 (1) an elementary school when it comprises the work of
15 any combination of kindergarten, other preschool programs,
16 or the first eight grades or their equivalents. A middle
17 school is a school comprising the work of grades 4 through 8
18 or any combination thereof that has been accredited as a
19 middle school under the provisions of 20-7-102. When an
20 accredited junior high school or an accredited 6-year high
21 school is operated by the district, grades 7 and 8 or their
22 equivalents shall not be considered as elementary grades.

23 (2) a high school when it comprises the work of one or
24 more grades of schoolwork or their equivalents intermediate
25 between the elementary schools and the institutions of

1 higher education of the state of Montana. Types of high
2 schools shall be designated as follows:

3 (a) a junior high school is a school comprising the
4 work of grades 7 through 9 or their equivalents that has
5 been accredited as a junior high school under the provisions
6 of 20-7-102;

7 (b) a senior high school is a school which comprises
8 the work of grades 10 through 12 or their equivalents and
9 which is operated in conjunction with a junior high school;

10 (c) a 6-year high school is a school comprising the
11 work of grades 7 through 12 or their equivalents that has
12 been accredited as a 6-year high school under the provisions
13 of 20-7-102;

14 (d) a 4-year high school is a school comprising the
15 work of grades 9 through 12 or their equivalents;

16 (e) a county high school is a 4-year high school
17 operated as an agency of county government and established
18 under the provisions of the acts of March 3, 1899, March 14,
19 1901, and any subsequent amendments thereto;

20 ~~(f)---a---postsecondary---vocational---technical---center~~
21 ~~established under the provisions of 20-7-311."~~

22 Section 11. Section 20-7-301, MCA, is amended to read:

23 "20-7-301. Duties of the superintendent of public
24 instruction. The superintendent of public instruction shall
25 be the governing agent and executive officer of the state of

1 Montana for K-12 vocational education. The superintendent of
 2 public instruction shall adopt and administer policies to
 3 effect the orderly development of a system of K-12
 4 vocational education that is adaptable to changing needs,
 5 controlled to prevent unnecessary duplication, coordinated
 6 with federal guidelines and requirements for vocational
 7 education, and funded to ensure growth and quality
 8 programming. In order to accomplish the orderly development
 9 of a system of K-12 vocational education, the superintendent
 10 of public instruction policies shall include:

- 11 (1) a state plan for such development;
- 12 (2) standards for K-12 vocational education courses
 13 and programs;
- 14 (3) ~~the minimum requirements for granting~~
 15 ~~postsecondary vocational technical certificates to students;~~
- 16 (4) (3) a review process for the establishment and
 17 deletion of programs;
- 18 (5) ~~the necessary qualifications that a postsecondary~~
 19 ~~vocational technical center director must possess;~~
- 20 (6) (4) instructor qualifications for K-12 vocational
 21 education courses and programs;
- 22 (7) (5) criteria for approval of K-12 vocational
 23 education courses and programs which are to receive
 24 financial assistance;
- 25 (8) ~~criteria for receiving, reviewing, and~~

1 transmitting recommendations on postsecondary
 2 vocational technical center operations and budget requests
 3 to the legislature;

4 (9) (6) a basis for apportionment of all moneys
 5 appropriated by the legislature for K-12 vocational
 6 education in accordance with the intent of the legislature
 7 as reflected in the terms of the appropriation;

8 (10) (7) a basis for apportionment of all moneys
 9 received by the state of Montana for K-12 vocational
 10 education from the federal government in accordance with the
 11 acts of congress;

12 (11) (8) a system of evaluation of K-12 vocational
 13 education which allows for consideration of the current and
 14 projected manpower needs and job opportunities; and

15 (12) ~~the tuition and fees to be charged at the~~
 16 ~~postsecondary vocational technical centers, based upon~~
 17 ~~legislative appropriations available to the superintendent~~
 18 ~~of public instruction for postsecondary vocational technical~~
 19 ~~centers;~~

20 (13) ~~the allowable costs for rental of buildings for~~
 21 ~~postsecondary vocational technical center purposes;~~

22 (14) ~~guidelines for the authority delegated by the~~
 23 ~~superintendent of public instruction to the local school~~
 24 ~~district board of trustees operating a postsecondary~~
 25 ~~vocational technical center; and~~

{15}{9} any other policy not inconsistent with public law and which is necessary for the proper operation of a system of K-12 vocational education."

Section 12. Section 20-7-302.1, MCA, is amended to read:

"20-7-302.1. State director of K-12 vocational education -- duties. There is a state director of K-12 vocational education appointed by the superintendent of public instruction. He must:

(1) administer the K-12 vocational education policies adopted by the superintendent of public instruction;

(2) prepare curriculum guides for superintendent of public instruction adoption;

(3) employ, with the confirmation of the superintendent of public instruction, the professional staff necessary for the state supervision and administration of K-12 vocational education;

(4) report the status of K-12 vocational education in the state of Montana when requested by the superintendent of public instruction;

(5) keep all K-12 vocational education records in his office;

(6) provide K-12 vocational education supervisory and consultative assistance to districts;

{7}--provide---a---postsecondary---vocational-technical

center---system---policy---and---procedural---handbook---for institutional-operations-that---will---standardize--operations among-the-centers;

{8}--identify--and--direct--the--county--treasurer--in--those counties--where--postsecondary--vocational--technical--centers are--located--to--establish--the--necessary--multifund--structures for--postsecondary--vocational--technical--center---financial operations;

{9}--meet--with--the--chairman--of--the--board--of--trustees, district--superintendent,--and--center--director---of---each postsecondary--vocational--technical--center--at--least--twice each--year---to---discuss---recommended---changes---in---the superintendent---of---public---instruction's---policies--and procedures;

{10}--formulate--and--put--into--effect--uniform--fiscal, student,--staff,--and--program--accounting--systems--for--the postsecondary-vocational-technical-centers;

{11}{7} prepare any necessary reports for the superintendent of public instruction or the legislature; and

{12}--represent--the--postsecondary-vocational-technical center-system-to-state-agencies,--associations,--and--others when-appropriate;

{13}--recommend--a--staffing--pattern--for--the--postsecondary vocational-technical-centers;

{14}--provide---for---the--evaluation--of--programs--and

services--within--each--postsecondary--v--ational-technical
center;

{15}-provide---for--evaluation--of--each--postsecondary
vocational-technical-center's-ability-to-meet-employment-and
student-vocational-technical-education-needs;-and

{16}{8} perform any other duty assigned by the
superintendent of public instruction."

Section 13. Section 20-7-303, MCA, is amended to read:

"20-7-303. ~~District---authorization~~ Authorization to
establish and maintain vocational education courses and
programs. The trustees of any an elementary or high school
district, community college district, or unit of the Montana
university system may establish and maintain a vocational
education course or program that complies with the K-12
vocational education standards adopted by the superintendent
of public instruction. In order for a course or program to
be eligible for state or federal financing, it shall be
approved by the superintendent of public instruction for
compliance with K-12 vocational education standards."

Section 14. Section 20-7-311, MCA, is amended to read:

"~~20-7-311. Postsecondary-----v--ational-technical~~
Vocational-technical center designation. (1) Postsecondary
vocational-technical Vocational-technical centers shall be
designated by the superintendent-of-public-instruction--only
board of regents upon direction of the legislature.

Applications-for-designation-must-be-made-in-accordance-with
the-following-procedure:

{a}-The-trustees-of-any-high-school-district,-of-a
county-high-school,-of-a-community-college-district,-or-the
governing-board-of-any-unit-of-the-Montana-university-system
may-submit-an-application-for-designation-of-a-postsecondary
vocational-technical-center-to-be-operated-by-such--trustees
or-governing-board;-The-application-for-designation-shall-be
submitted--in--accordance--with--the--time,-data,-and-form
requirements-prescribed--by--the--superintendent--of--public
instruction;-Applicant--high-school-districts,-county-high
schools,-or-community-college-districts-shall-be-located--in
a--county--with-a-taxable-valuation-of-at-least-\$45-million-

{b}-Applications--are---to---be---presented---to---the
superintendent-of-public-instruction;-The-superintendent-of
public--instruction--shall-examine-the-application-and-draft
recommendations;-The---application,-together---with---all
recommendations,-shall-be-presented-by-the-superintendent-of
public-instruction-to-the-next-following-legislature-

(2) The superintendent-of-public-instruction board of
regents shall recognize the presently---designated
postsecondary vocational-technical centers operated-by-the
respective-board-of-trustees-of designated prior to {the
effective date of this act} in school district number 1 of
Silver Bow County, high school district number 1 of Lewis

1 and Clark County, high school district "A" of Cascade
2 County, Missoula County high school, and high school
3 district number 2 of Yellowstone County."

4 Section 15. Section 20-7-312, MCA, is amended to read:

5 "20-7-312. Local administration of
6 vocational-technical center. (1) Subject to the requirements
7 of the laws of the state of Montana and the policies and
8 rules of the superintendent--of--public--instruction--as
9 administered-by-the-state-director-of-vocational--education,
10 the--board--of--trustees--operating-a-postsecondary board of
11 regents, the director of a vocational-technical center has
12 administrative and supervisory control of the center and
13 shall:

14 (a)--employ,--from--among--qualified--applicants,--a
15 postsecondary-vocational-technical-center-director;

16 (b)(a) employ administrative personnel,--faculty
17 members,--and--employees for the postsecondary
18 vocational-technical center according to the policies and
19 procedures rules of the board of trustees regents;

20 (c)(b) recommend, develop, and submit budgets a
21 recommended budget for the postsecondary
22 vocational-technical centers center;

23 (d)(c) establish and collect student tuition and fees;

24 (e)(d) recommend to the superintendent--of--public
25 instruction--through--the--state--director--of--vocational

1 education board of regents:

2 (i) proposals regarding postsecondary
3 vocational-technical center programs, budgets, student
4 services, and public service activities; and

5 (ii) campus development and program plans for
6 individual postsecondary vocational-technical center
7 buildings;

8 (f)(e) manage buildings erected-and-equipped-on-leased
9 grounds at the vocational-technical center;

10 (g)(f) receive and administer gifts and bequests to
11 the postsecondary vocational-technical center according to a
12 written plan submitted to the superintendent--of--public
13 instruction board of regents; and

14 (h)(g) perform any other administrative
15 responsibilities duties not inconsistent with law and
16 required by the superintendent-of-public--instruction board
17 of regents.

18 (2) The board--of--trustees--operating director of a
19 postsecondary vocational-technical center may not enter into
20 any contract that in any way creates a debt or obligation
21 upon the state for the improvement or construction of
22 postsecondary vocational-technical center buildings on
23 leased-property."

24 Section 16. Section 20-7-314, MCA, is amended to read:

25 "20-7-314. Lease or purchase of state property for

1 postsecondary vocational-technical center purposes. (1) The
 2 state of Montana, acting by-and through the superintendent
 3 of-public-instruction, is hereby empowered and authorized to
 4 enter-into-a board of regents, may lease, agreement for a
 5 term not to exceed 40 years, in-order-to-lease-to-a-district
 6 operating--a--postsecondary--vocational-technical-center any
 7 building or lands owned-by-the-state-and-financed--in--whole
 8 or--in--part--by-an-appropriation-made-by-the-legislature-of
 9 the-state-of-Montana for the--purpose--of--supporting--the
 10 district's--postsecondary a vocational-technical center. The
 11 consideration-necessary-to--support--such--a--lease--may--be
 12 nominal.

13 (2) The-superintendent-of-public-instruction-is-hereby
 14 authorized--to--transfer-or-direct-transfer-of-title-held-by
 15 the-state-of-Montana-in-buildings-or-lands-financed-in-whole
 16 or-in-part-by-an-appropriation-by-the-state-legislature-to-a
 17 district--operating--a--postsecondary--vocational-technical
 18 center,--at-any-time-the-superintendent-of-public-instruction
 19 deems--such-transfer-to-be-in-the-best-interests-of-both-the
 20 state--and--the--district--involved,--provided---that---this
 21 authorization--extends--only-to-buildings-or-lands-which-are
 22 to---be---used---by---the---district---for---postsecondary
 23 vocational-technical--education--purposes. The state of
 24 Montana, acting through the board of regents and on demand
 25 of a school district, shall lease or purchase the equity or

1 interest of the school district in any building, land, or
 2 other property at a vocational-technical center on terms
 3 agreed to between the board of regents and the school
 4 district. A purchase may be by lump-sum payment, time
 5 payments, the assumption of bonded indebtedness, or any
 6 other mutually agreeable method. Money received by a school
 7 district from the lease or sale under this subsection (2) of
 8 the school district's equity or interest in a building,
 9 land, or other property must be credited to the debt service
 10 fund, building fund, general fund, or any combination of
 11 these funds, at the discretion of the trustees of the school
 12 district."

13 Section 17. Section 20-7-322, MCA, is amended to read:

14 "20-7-322. State treasurer custodian of vocational
 15 education moneys money. (1) The treasurer of the state of
 16 Montana is hereby designated as the custodian of all federal
 17 and state moneys money designated, appropriated, or
 18 apportioned for vocational education. All moneys money
 19 received from any federal or state source for the
 20 establishment, operation, or furtherance of vocational
 21 education in the state shall be deposited with the state
 22 treasurer. At the direction of the superintendent of public
 23 instruction, he shall disburse all moneys--appropriated--or
 24 money received for K-12 vocational education. At the
 25 direction of the board of regents, he shall disburse all

1 money received for vocational-technical education.

2 (2) The state treasurer is the treasurer for all
3 postsecondary vocational-technical centers, and all money
4 received by postsecondary vocational-technical centers from
5 any source shall be deposited in the state treasury pursuant
6 to 17-6-105, unless the source of the money specifies
7 deposit somewhere other than in the state treasury."

8 Section 18. Section 20-7-324, MCA, is amended to read:

9 "20-7-324. Sources of financing for postsecondary
10 vocational-technical center budgets -- superintendent-of
11 public-instruction-administration distribution of funds. (1)
12 The total of the budgets approved by the superintendent-of
13 public-instruction board of regents shall constitute the
14 total maximum approved statewide vocational-technical center
15 system budget which shall be financed as follows:

16 (a) The primary source of financing is to be those
17 funds specifically designated by legislative enactment or
18 referendum by the people for financing postsecondary
19 vocational-technical education in Montana.

20 (b) The board of county commissioners of each county
21 in--which--a--designated--postsecondary-vocational-technical
22 center-is-located IN WHICH A DESIGNATED VOCATIONAL-TECHNICAL
23 CENTER IS LOCATED shall levy a tax in each calendar year of
24 $\frac{1}{2}$ 3 1 1/2 mills on the dollar of all taxable property,
25 real and personal, within the county TO RAISE THE AMOUNT

1 APPROPRIATED BY THE LEGISLATURE for the support and
2 maintenance of the postsecondary vocational-technical center
3 located-within-the-county system. THE TAX IS TO BE EFFECTIVE
4 FOR THE TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1, 1988.

5 (c) Designated postsecondary vocational-technical
6 centers shall be eligible to receive such funds from the
7 federal government as the superintendent--of--public
8 instruction board of regents may provide pursuant to
9 applicable acts of congress.

10 {d}--The--board--of--trustees--of--any--designated-high
11 school-district-or--county-high-school--district--where--a
12 postsecondary--vocational-technical-center-is-located-may-be
13 required-as--a--condition--for--the--construction--in--that
14 district--of--a-postsecondary-vocational-technical-center,--or
15 any-part-thereof,--to-furnish-up-to--50%--of--the--amount--of
16 funds--required-for-any-such-construction. The percentage of
17 construction--funds--to--be--furnished--by--the--designated
18 district--shall-be-derived,--in-whole-or-in-part,--from-any-of
19 the-following-sources:

20 {i}--the-sale-of-bonds-issued-by--that--district--{such
21 bonds-shall-be-issued-in-conformity-with-the-requirements-of
22 chapter--9,--part-4,--of-this-title-in-the-case-of-high-school
23 and-county-high-school-district};

24 {ii}--any-other-funds-available-to-that--district--which
25 may--be--legally--and--properly--applied--toward--such

1 construction;

2 {iii} the reasonable value of land, buildings,
3 fixtures, or equipment furnished by that district, subject
4 to the approval of the superintendent of public instruction;

5 (2) The superintendent of public instruction board of
6 regents shall direct the distribution of the funds specified
7 in subsections {i}{a} through {i}{c} subsection (1) on the
8 basis of the budgets approved by the superintendent of
9 public instruction board of regents. The funds earned by the
10 mill levy specified in subsection (1)(b) shall be credited
11 to the postsecondary vocational-technical center account in
12 the unrestricted subfund of the current fund in the state
13 treasury.

14 {3} The superintendent of public instruction shall
15 determine the amount of financing available from these four
16 sources of revenue and may approve budgets for instruction,
17 plant operations and maintenance, equipment, and support.
18 The aggregate amount of the budgets so approved by the
19 superintendent of public instruction for postsecondary
20 vocational-technical centers shall not exceed the moneys
21 determined to be available."

22 Section 19. Section 20-7-325, MCA, is amended to read:

23 "20-7-325. Postsecondary vocational-technical
24 Vocational-technical center funding -- nongeneral fund money
25 expended first -- reversion of general fund money. {1}

1 Whenever an approved postsecondary vocational-technical
2 center under the provisions of 20-7-311 is operated within a
3 district, the trustees of such district The board of regents
4 shall request the establishment of the appropriate accounts
5 for the vocational-technical center system in the state
6 treasury. These accounts shall be established in the
7 appropriate state treasury funds as determined by the
8 department of administration. All money prescribed and
9 received under the provisions of 20-7-324 shall be credited
10 to these accounts. The expenditure of the money deposited in
11 the state treasury shall be made in accordance with
12 procedures established by the department of administration.
13 Such expenditures shall be made under the budget and for the
14 programs approved by the superintendent of public
15 instruction board of regents under the provisions of
16 20-7-323 and the financial administration provisions of this
17 title.

18 (2) A postsecondary vocational-technical center shall
19 apply expenditures against nongeneral fund money wherever
20 possible before using state general fund appropriations. All
21 state general fund money appropriated or disbursed to a
22 postsecondary vocational-technical center which are
23 unexpended at fiscal year end shall revert to the state
24 general fund.

25 {3} The approval of the postsecondary

~~vocational-technical-center-budget-and--subsequent--revision
or--amendment-of-such-budget-by-the-superintendent-of-public
instruction-shall-constitute-the-final-budget-approval;~~

~~{4}--Whenever---the---county---tax---prescribed---in
20-7-324{1}{b}-is-to-be-used-in-support-of-the-postsecondary
vocational-technical--center;--the--county-commissioners-are
authorized-to-levy-such-tax-on-the-county-in-accordance-with
the-provisions-of-20-9-142;"~~

Section 20. Section 20-7-327, MCA, is amended to read:

"20-7-327. Source of financing for postsecondary vocational-technical center facility maintenance. The source of funds for maintenance, remodeling, and renovation of postsecondary vocational-technical center facilities may be either ~~local funds~~ federal funds or state funds specifically appropriated by the legislature and approved by the ~~superintendent-of-public-instruction~~ board of regents, or any combination of these funds."

Section 21. Section 20-7-332, MCA, is amended to read:

"20-7-332. Tuition rates. (1) Tuition may be charged to any resident or nonresident of the state of Montana by the ~~governing---board~~ director of any postsecondary vocational-technical center at rates to be determined by the ~~superintendent-of-public-instruction~~ board of regents AND THE PROVISIONS OF SUBSECTION (3). The ~~superintendent-of-public-instruction~~ board of regents shall also prescribe

permissible uses for any tuition authorized.

(2) For the purposes of this section the eligibility of a student for resident status shall be determined in the same manner as that prescribed for use by the Montana university system, except that those provisions referring to "high school graduates" or "graduation from high school" shall be considered to refer to a person who has attended school or who was in attendance at a school.

{3} IF AN ADDITIONAL LEVY FOR A CENTER IS APPROVED UNDER [SECTION 27], THE BOARD OF REGENTS MAY CHARGE AN ADDITIONAL TUITION AMOUNT NOT TO EXCEED \$40 A QUARTER TO A STUDENT AT THE CENTER WHO IS A RESIDENT OF MONTANA BUT WHO IS NOT A PROPERTY TAXPAYER OF THE COUNTY OR AN OWNER OF A VEHICLE REGISTERED WITHIN THE COUNTY WHERE THE CENTER IS LOCATED."

Section 22. Section 20-7-333, MCA, is amended to read:

"20-7-333. ~~Pupil~~ Student fees and disposition of collected fees. (1) Fees for the use of equipment and material used in instruction may be charged by the ~~trustees or--other--governing--board~~ director of the postsecondary vocational-technical center. The ~~superintendent--of--public instruction~~ board of regents shall prescribe the ~~basis~~ bases and limitations for the charging of such fees.

(2) Fees collected by the postsecondary vocational-technical center shall be deposited with the

1 state treasurer in the fund designated by the superintendent
 2 of--public--instruction board of regents for the receipt of
 3 such fees. The expenditure of the fees shall not be subject
 4 to budget limitations and shall be in addition to the
 5 program budgets approved by the superintendent-of-public
 6 instruction board of regents."

7 Section 23. Section 20-9-403, MCA, is amended to read:

8 "20-9-403. Bond issues for certain purposes. (1) The
 9 trustees of a school district may issue and negotiate bonds
 10 on the credit of the school district for the purpose of:

11 (a) building, altering, repairing, buying, furnishing,
 12 equipping, purchasing lands for, and/or obtaining a water
 13 supply for a school, teacherage, dormitory, gymnasium, other
 14 building, or combination of said buildings for school
 15 purposes;---including---postsecondary---vocational-technical
 16 centers-in-the-school-district;

17 (b) buying a school bus or buses;

18 (c) providing the necessary money to redeem matured
 19 bonds, maturing bonds, or coupons appurtenant to bonds when
 20 there is not sufficient money to redeem them;

21 (d) providing the necessary money to redeem optional
 22 or redeemable bonds when it is for the best interest of the
 23 school district to issue refunding bonds; or

24 (e) funding a judgment against the district.

25 (2) Any money realized from the sale of any bonds

1 issued on the credit of a high school district shall not be
 2 used for any of the above purposes in an elementary school
 3 district, and such money may be used for any of the above
 4 purposes for a junior high school but only to the extent
 5 that the 9th grade of the high school is served thereby."

6 Section 24. Section 20-9-513, MCA, is amended to read:

7 "20-9-513. ~~Postsecondary-----vocational-technical~~
 8 Vocational-technical center and adult basic education
 9 programs account established. There is within the state
 10 special revenue fund a postsecondary vocational-technical
 11 center and adult basic education account. Money is paid into
 12 the account under 90-6-211. The state treasurer shall draw
 13 warrants payable from this account upon order of the
 14 superintendent of public instruction or the board of regents
 15 up to the amount provided for each under 90-6-211 by the
 16 biennium budget passed by the legislature."

17 Section 25. Section 39-71-118, MCA, is amended to
 18 read:

19 "39-71-118. Employee, worker, and workman defined. (1)
 20 The terms "employee", "workman", or "worker" mean:

21 (a) each person in this state, including a contractor
 22 other than an independent contractor, who is in the service
 23 of an employer, as defined by 39-71-117, under any
 24 appointment or contract of hire, expressed or implied, oral
 25 or written. The terms include aliens and minors, whether

1 lawfully or unlawfully employed, and all of the elected and
 2 appointed paid public officers and officers and members of
 3 boards of directors of quasi-public or private corporations
 4 while rendering actual service for such corporations for
 5 pay. Casual employees as defined by 39-71-116(3) are
 6 included as employees if they are not otherwise covered by
 7 workers' compensation and if an employer has elected to be
 8 bound by the provisions of the compensation law for these
 9 casual employments, as provided in 39-71-401(2). Household
 10 or domestic service is excluded.

11 (b) a recipient of general relief who is performing
 12 work for a county of this state under the provisions of
 13 53-3-303 through 53-3-305 and any juvenile performing work
 14 under authorization of a district court judge in a
 15 delinquency prevention or rehabilitation program;

16 (c) a person receiving on-the-job vocational
 17 rehabilitation training or other on-the-job training under a
 18 state or federal vocational training program, whether or not
 19 under an appointment or contract of hire with an employer as
 20 defined in this chapter and whether or not receiving payment
 21 from a third party. However, this subsection does not apply
 22 to students enrolled in vocational training programs as
 23 outlined above while they are on the premises of a public
 24 school or community college.

25 (d) students enrolled and in attendance in programs of

1 vocational-technical education ~~approved-by-the--state--board~~
 2 ~~of---public---education~~ at designated postsecondary
 3 vocational-technical centers; or

4 (e) an airman or other person employed as a volunteer
 5 under 67-2-105.

6 (2) If the employer is a partnership or sole
 7 proprietorship, such employer may elect to include as an
 8 employee within the provisions of this chapter any member of
 9 such partnership or the owner of the sole proprietorship
 10 devoting full time to the partnership or proprietorship
 11 business. In the event of such election, the employer must
 12 serve upon the employer's insurer written notice naming the
 13 partners or sole proprietor to be covered, and no partner or
 14 sole proprietor shall be deemed an employee within this
 15 chapter until such notice has been given. For premium
 16 ratemaking and for the determination of weekly wage for
 17 weekly compensation benefits, the insurance carrier shall
 18 assume a salary or wage of such electing employee to be not
 19 less than \$900 a month and not more than 1 1/2 times the
 20 average weekly wage as defined in this chapter."

21 Section 26. Section 90-6-211, MCA, is amended to read:

22 "90-6-211. Disposition of interest from unexpended
 23 balance. The unexpended balance in the local impact and
 24 education trust fund account shall be invested as provided
 25 by statute by the board of investments. Of the income from

such investments each year 10% shall be paid into the state special revenue fund for use by the superintendent of public instruction for purposes of the----postsecondary vocational-technical---centers--and adult basic education programs in the state, subject to the budgeting authority of the legislature and for use by the board of regents for vocational-technical center education programs in the state, as provided in the biennium budget passed by the legislature. Within the account under 20-9-513, the revenue is shared between the postsecondary vocational-technical centers and the adult basic education programs as provided in the biennium budget passed by the legislature. Of the remaining 90% of the income from such investments, three-fourths shall be annually paid into the state special revenue fund for state equalization aid to public schools of the state and one-fourth each year shall be paid to the board of regents of higher education for use by the institutions of higher learning in the state, subject to the budgeting authority of the legislature. Except as provided in 90-6-205(5), the principal of the local impact and education trust fund shall be dedicated to education and forever remain inviolate and sacred to this purpose as provided in sections 3 and 10 of Article X of the Montana constitution."

NEW SECTION. SECTION 27. ADDITIONAL LEVY BY SCHOOL

DISTRICT -- PROCEDURE. (1) FOR SCHOOL FISCAL YEARS 1988 AND 1989, THE TRUSTEES OF A SCHOOL DISTRICT THAT OPERATED A VOCATIONAL-TECHNICAL CENTER PRIOR TO JULY 1, 1987, MAY PROPOSE TO THE BOARD OF REGENTS THAT A BUDGET FOR SALARIES, BENEFITS, OPERATIONS, AND EQUIPMENT BE ADOPTED FOR THE CENTER IN EXCESS OF THE AMOUNT APPROPRIATED BY THE LEGISLATURE.

(2) IF THE BOARD OF REGENTS APPROVES OF A BUDGET FOR A CENTER IN EXCESS OF THE APPROPRIATED AMOUNT, THE TRUSTEES OF THE DISTRICT THAT OPERATED THE CENTER SHALL SUBMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT, PURSUANT TO 20-20-301 AND IN THE MANNER PRESCRIBED BY 20-9-353, A PROPOSITION FOR AN ADDITIONAL LEVY FOR THE ADDITIONAL FUNDING. WHEN THE PROPOSITION IS PRESENTED TO THE ELECTORATE, THE PROPOSITION MUST BE PRESENTED AS A SEPARATE ISSUE ON THE BALLOT.

(3) IF A PROPOSITION FOR AN ADDITIONAL LEVY FOR A VOCATIONAL-TECHNICAL CENTER IS APPROVED BY THE ELECTORATE, THE BOARD OF REGENTS SHALL REQUEST THE ESTABLISHMENT OF AN INDIVIDUAL ACCOUNT FOR THE CENTER IN THE STATE TREASURY AS DETERMINED BY THE DEPARTMENT OF ADMINISTRATION. THE FUNDS IN EACH CENTER ACCOUNT ARE AVAILABLE APPROPRIATED FOR APPROVED EXPENDITURES FOR THE CENTER. AFTER JULY 1, 1989, ANY UNEXPENDED FUNDING IN A CENTER ACCOUNT MUST BE RETURNED TO THE SCHOOL DISTRICT THAT REQUESTED THE ADDITIONAL FUNDING.

NEW SECTION. SECTION 28. VOCATIONAL-TECHNICAL CENTER

EQUIPMENT. THE EQUIPMENT OF A VOCATIONAL-TECHNICAL CENTER DESIGNATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MAY NOT BE TRANSFERRED FROM THE CENTER FOR 2 YEARS WITHOUT CONSENT OF THE SCHOOL DISTRICT BOARD OF TRUSTEES THAT OPERATED THE CENTER PRIOR TO [THE EFFECTIVE DATE OF THIS ACT].

NEW SECTION. SECTION 29. REPORT BY BOARD OF REGENTS. THE BOARD OF REGENTS SHALL REPORT TO THE 51ST LEGISLATURE ON THE FOLLOWING CONCERNS:

(1) A PLAN FOR REORGANIZATION OF THE DELIVERY SYSTEM FOR ALL POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION IN MONTANA;

(2) A LONG-TERM PLAN FOR ACHIEVING HIGH QUALITY VOCATIONAL-TECHNICAL PROGRAMS AT THE VOCATIONAL-TECHNICAL CENTERS THROUGH THE POSSIBILITY OF PROGRAM SPECIALIZATION AT EACH CENTER;

(3) THE FEASIBILITY AND APPROPRIATENESS OF CLOSURE OF ONE OR MORE OF THE VOCATIONAL-TECHNICAL FACILITIES;

{3}(4) A PLAN FOR ELIMINATION OF PROGRAMS THAT SERVE FEW STUDENTS;

{4}(5) A PLAN FOR CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS OF THE INDIVIDUAL CENTERS WHICH COULD RESULT IN COST SAVINGS AND MORE EFFICIENT OPERATIONS; AND

{5}(6) THE FEASIBILITY OF CONSOLIDATING POSTSECONDARY VOCATIONAL-TECHNICAL FACILITIES AND STAFF WITH NEARBY UNITS OF THE UNIVERSITY SYSTEM.

NEW SECTION. SECTION 30. APPROPRIATION. THERE IS APPROPRIATED \$1,454,690 FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT FUNDED BY 15-35-108(3)(B) TO THE BOARD OF REGENTS FOR THE FISCAL BIENNIUM ENDING JUNE 30, 1989, TO BE USED TO OPERATE THE VOCATIONAL-TECHNICAL CENTERS.

NEW SECTION. Section 31. Repealer. Sections 20-7-304, 20-7-313, 20-7-323, 20-7-326, AND 20-7-331, 20-9-404, and 20-9-405, MCA, are repealed.

NEW SECTION. Section 32. Extension of authority. Any existing authority of the superintendent of public instruction to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 33. Codification instructions. (1) Sections 1 through 5 AND 27 are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to sections 1 through 5 AND 27.

(2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are intended to be renumbered and codified as an integral part of a new chapter in Title 20 on the governance of vocational-technical centers.

NEW SECTION. Section 34. Code commissioner name change. In all sections of the Montana Code Annotated not contained in this act and in all provisions passed by the 50th legislature wherein reference is made to a

1 postsecondary vocational-technical center, the code
2 commissioner shall change the reference to
3 vocational-technical center.

4 NEW SECTION. Section 35. Effective date. This act is
5 effective July 1, 1987.

-End-

GOVERNOR'S PROPOSED AMENDMENTS TO
HOUSE BILL 39
(Reference Copy)
April 21, 1987

1. Page 9, line 24.
Following: "school"
Strike: "grades 1"
Insert: "kindergarten"

Following: "through"
Insert: "grade"
2. Page 31, line 1.
Following: "education"
Insert: "and for vocational education other than K-12 vocational education"
3. Page 32, line 4.
Following: "FOR"
Strike: "THE TAXABLE YEAR"
Insert: "property tax years"

Following: "JANUARY 1,"
Strike: "1988"
Insert: "1987"

Following: "."
Insert: "It is the intent of this subsection (b) that the county commissioners shall levy this tax for fiscal year 1988 operation of the vocational-technical system and thereafter."
4. Page 42, line 25.
Following: line 24
Insert: "(4) For school fiscal year 1988, if the trustees of a school district that operated a vocational-technical center prior to July 1, 1987, have adopted a budget in excess of that appropriated by the legislature and have submitted the proposition for an additional levy to the qualified electors of the district and if the electors have approved the proposition as provided for in former 20-7-326, MCA, then the trustees need not submit the proposition to the electors at an additional election following approval of the budget by the board of regents as provided for in subsection (2)."

-END-

1 STATEMENT OF INTENT

2 HOUSE BILL 39

3 House Education and Cultural Resources Committee
4

5 Section 1 of the bill requires the board of regents to
6 adopt rules implementing the board's powers and duties. The
7 legislature intends these rules to encompass the full range
8 of board powers and duties and intends that the board begin
9 the process of adopting rules prior to the July 1, 1987,
10 effective date for implementation of the act.

11 The board should study the office of public
12 instruction's postsecondary vocational-technical education
13 rules, which are superseded by this act, since these rules
14 may give the board guidance.

REFERENCE BILL: INCLUDES GOVERNOR'S
AMENDMENTS DATED 4-21-87

HOUSE BILL NO. 39

INTRODUCED BY DONALDSON, BLAYLOCK, RASMUSSEN, LORY,
M. WILLIAMS, REAM, MCCALLUM, MAZUREK, GRADY, EUDAILY

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

ON VO-TECHS/JOB TRAINING

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING GOVERNANCE
OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE
BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY
VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL
CENTERS; ALLOWING FOR A VOTE FOR AN ADDITIONAL LEVY TO
SUPPORT A CENTER; REQUESTING THE BOARD OF REGENTS TO REPORT
TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF
POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION; APPROPRIATING
MONEY FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT
TO THE BOARD OF REGENTS TO HELP FUND THE
VOCATIONAL-TECHNICAL CENTERS; AMENDING SECTIONS 19-4-302,
20-1-101, 20-3-103, 20-3-106, 20-6-501, 20-7-301,
20-7-302.1, 20-7-303, 20-7-311, 20-7-312, 20-7-314,
20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332, 20-7-333,
20-9-403, 20-9-513, 39-71-118, AND 90-6-211, MCA; REPEALING
SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-326, AND
20-7-331, ~~20-9-404~~ ~~AND~~ ~~20-9-405~~ MCA; AND PROVIDING AN
EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Powers and duties of board of
regents. The board of regents has general administrative and
supervisory control over vocational-technical center
education and shall:

(1) establish and when necessary amend a plan for the
orderly development of vocational-technical center education
that is consistent with federal and state law, controlled to
prevent unnecessary duplication, and funded to ensure
necessary growth and quality education;

(2) adopt standards for courses and programs;

(3) implement a review process for establishing and
deleting programs and courses that recognizes the present
and future needs of employers and provides qualified
graduates for positions for which there is or may in the
near future be a demand;

(4) establish student entrance and graduation
requirements;

(5) appoint a director, to serve at the pleasure of
the board, for each vocational-technical center and
establish minimum qualifications for faculty, directors,
administrative staff, and other personnel;

(6) appoint a DEPUTY commissioner of
vocational-technical center education, to serve at the
pleasure of the board;

1 (7) establish student tuition and prescribe the bases
2 and limitations for charging of fees, taking into account
3 funding available from all other sources AND THE PROVISIONS
4 OF 20-7-332(3);

5 (8) determine the amount to be paid for the lease of
6 buildings;

7 (9) adopt budget requests for the vocational-technical
8 center education system;

9 (10) establish a procedure by which students can
10 receive part of their education and training through
11 programs, courses, and on-the-job training offered by the
12 private sector and not available at the centers;

13 (11) establish a procedure by which qualified persons
14 in the private sector can participate in the training and
15 teaching of students in the centers' classrooms when such
16 persons have training, knowledge, and skills not available
17 through the centers' faculty;

18 (12) provide means by which the centers' faculty can
19 obtain advanced education and training in new areas and
20 either be reimbursed for their expenses or raised to a
21 higher salary level, or both;

22 (13) establish for the various centers uniform policies
23 for recordkeeping; financial transactions; accounting;
24 maintenance; recruiting, guidance, and placement of
25 students; examinations; personnel relations; and other

1 matters as determined by the board;

2 (14) negotiate with the bargaining representative for
3 personnel of each center or the personnel of the center
4 system in a manner consistent with state and federal law;

5 (15) work with other institutions of higher education
6 to implement the transfer of course credits between those
7 institutions and the vocational-technical centers; and

8 (16) adopt rules and procedures to implement this
9 section and to carry out any other powers and duties of the
10 board.

11 NEW SECTION. Section 2. Sole state agency for federal
12 vocational education requirements. (1) The board of regents
13 is the sole state agency for purposes of the ~~1985~~ 1984
14 federal Carl D. Perkins Vocational Education Act, ~~44--U.S.C.~~
15 ~~23017--et--seq--~~ AS MAY BE AMENDED, which requires a state
16 participating in programs under that act to designate a
17 state board or agency as the sole state agency responsible
18 for administration or supervision of the administration of
19 those programs.

20 (2) THE BOARD OF REGENTS SHALL CONTRACT WITH THE
21 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE ADMINISTRATION
22 AND SUPERVISION OF K-12 VOCATIONAL EDUCATION PROGRAMS,
23 SERVICES, AND ACTIVITIES ALLOWED BY THE 1984 FEDERAL CARL D.
24 PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED, AND IN
25 CONCERT WITH THE STATE PLAN FOR VOCATIONAL EDUCATION

REQUIRED BY THE FEDERAL ACT. THE BOARD OF REGENTS MAY CONTRACT WITH OTHER AGENCIES FOR THE ADMINISTRATION AND SUPERVISION OF OTHER VOCATIONAL EDUCATION PROGRAMS, SERVICES, AND ACTIVITIES THAT RECEIVE FUNDING ALLOWED BY THE 1984 FEDERAL CARL D. PERKINS VOCATIONAL EDUCATION ACT, AS MAY BE AMENDED.

NEW SECTION. Section 3. Local advisory boards. The board of trustees of a school district in which a vocational-technical center is located shall appoint a local advisory board, composed of at least five residents of the county where the center is located, to act in an advisory capacity to the center and the board of regents.

NEW SECTION. Section 4. Duties of the DEPUTY commissioner of vocational-technical center education. The DEPUTY commissioner of vocational-technical center education shall, under the rules and policies of the board of regents:

(1) be the chief administrative officer for the board of regents for the administration of its vocational-technical center rules and policies;

(2) employ, within the limits of any legislative appropriation and with the confirmation of the board of regents, the staff necessary for the state supervision and administration of the board's vocational-technical center rules and policies;

(3) provide supervisory and consultative assistance to

centers;

(4) report the status of vocational-technical center education in Montana when requested by the board of regents; and

(5) perform any other duties assigned by the board of regents.

NEW SECTION. Section 5. Existing center employees. (1) The rights of persons employed by a vocational-technical center under a collective bargaining agreement in effect ~~prior to~~ DURING THE PERIOD FROM JULY 1, 1987, TO July 1, 1989, may not be impaired, AND THEY MAY, AT ANY TIME PRIOR TO JULY 1, 1989, EXERCISE ANY RIGHT THEY HAVE UNDER A COLLECTIVE BARGAINING AGREEMENT TO TRANSFER TO ANOTHER POSITION WITHIN THE SCHOOL DISTRICT.

(2) A person employed by a center under a school district on June 30, 1989, becomes an employee of the board of regents on July 1, 1989.

(3) Following [the effective date of this section], the employees of any center OR THE BOARD OF REGENTS may apply to the board of personnel appeals for determination of the appropriate bargaining unit or units for the purposes of collective bargaining for a contract or contracts to be negotiated with the board of regents prior to July 1, 1989.

(4) If a person is employed by a center in any capacity on July 1, 1989, and has accumulated sick,

vacation, or other leave and years of service with a school district, such leave and years of service shall be transferred fully regardless of the length of employment with the district in which the center is located.

Section 6. Section 19-4-302, MCA, is amended to read:

"19-4-302. Active membership. (1) Unless otherwise provided by this chapter, the following persons must be active members of the retirement system, with the exception that those persons who became eligible for membership on September 1, 1937, or on September 1, 1939, and who elected not to become members under the provisions of the law at that time are not required to be members:

(a) any person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) any person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system or a vocational-technical center;

(c) any person employed in an instructional services capacity by the office of the superintendent of public instruction, the office of a county superintendent, a special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, or a school district;

(d) any person who has elected not to become a member

of the retirement system and is reentering service in a capacity prescribed by (a), (b), or (c) of this subsection (1);

(e) any person who has elected not to become a member of the retirement system, who has been continuously employed in a capacity prescribed by (a), (b), or (c) of this subsection (1) since the time of such election, and who may thereafter elect to become a member of the retirement system.

(2) In order to be eligible for active membership, any person described in subsection (1) must:

(a) be employed in the capacity prescribed for his eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for his creditable service totally paid by an employer as defined herein.

(3) At any time a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine his eligibility for membership. All persons in similar circumstances shall be treated alike."

Section 7. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state

1 university.

2 (2) "Average number belonging" or "ANB" shall mean the
3 average number of regularly enrolled, full-time pupils
4 attending the public schools of a district.

5 (3) "The board of public education" is the board
6 created by Article X, section 9, subsection (3), of the 1972
7 Montana constitution and 2-15-1507.

8 (4) "Board of regents" means the board of regents of
9 higher education created by Article X, section 9, subsection
10 (2), of the 1972 Montana constitution and 2-15-1505.

11 (5) "Commissioner" means the commissioner of higher
12 education created by Article X, section 9, subsection (2),
13 of the 1972 Montana constitution and 2-15-1506.

14 (6) "County superintendent" means the county
15 government official who is the school officer of the county.

16 (7) "District superintendent" means any person who
17 holds a valid class 3 Montana teacher certificate with a
18 superintendent's endorsement that has been issued by the
19 superintendent of public instruction under the provisions of
20 this title and the policies adopted by the board of public
21 education and who has been employed by a district as a
22 district superintendent.

23 (8) "K-12 vocational education" means vocational
24 education in public school grades--1 KINDERGARTEN through
25 GRADE 12.

1 {8}--"Postsecondary--vocational-technical-center"--means
2 a-school-used-principally-for-the-provision-of-postsecondary
3 vocational-technical-education-to--persons--who--qualify--as
4 postsecondary-vocational-technical-pupils--These-centers-are
5 designated--by-the-superintendent-of-public-instruction-upon
6 direction-by-the-legislature--All-other--public--or--private
7 schools-are-hereby-prohibited-from-using-this-title-

8 {9}--"Postsecondary---vocational-technical---education"
9 means--vocational-technical---education---of---postsecondary
10 vocational-technical---pupils---which---is---conducted---by---a
11 postsecondary-vocational-technical-center-or-other--programs
12 as--designated--by-the-superintendent-of-public-instruction--
13 Postsecondary-vocational-technical-education--shall--include
14 the--13th-and-14th-year-and-beyond-but-will-not-include-work
15 toward-a-baccalaureate-degree-

16 {10}--"Postsecondary-vocational-technical-pupil"--means-a
17 person-who-has-completed-or-left--school--is--at--least--16
18 years--of-age--and-is-available-for-study-in-preparation-for
19 entering-the-labor-market--for-reentering-the-labor--market--
20 or-for-employment-stability-or-advancement-in-employment-

21 {11}{9} "Principal" means any person who holds a valid
22 class 3 Montana teacher certificate with an applicable
23 principal's endorsement that has been issued by the
24 superintendent of public instruction under the provisions of
25 this title and the policies adopted by the board of public

1 education and who has been employed by a district as a
2 principal. For the purposes of this title, any reference to
3 a teacher shall be construed as including a principal, as
4 herein defined.

5 ~~(12)~~(10) "Pupil" means any child who is 6 years of age
6 or older on or before September 10 of the year in which the
7 child is to enroll or has been enrolled by special
8 permission of the board of trustees under 20-5-101(3) but
9 has not yet reached his 19th birthday and who is enrolled in
10 a school established and maintained under the laws of the
11 state of Montana at public expense.

12 ~~(13)~~(11) "Pupil instruction" means the conduct of
13 organized instruction of pupils enrolled in public schools
14 while under the supervision of a teacher.

15 ~~(14)~~(12) "Regents" means the board of regents of higher
16 education.

17 ~~(15)~~(13) "School food services" means a service of
18 providing food for the pupils of a district on a nonprofit
19 basis and shall include any food service financially
20 assisted through funds or commodities provided by the United
21 States government.

22 ~~(16)~~(14) "The state board of education" is the board
23 composed of the board of public education and the board of
24 regents as specified in Article X, section 9, subsection
25 (1), of the 1972 Montana constitution.

1 ~~(17)~~(15) "State university" means the Montana state
2 university, located at Bozeman.

3 ~~(18)~~(16) "Superintendent of public instruction" means
4 that state government official designated as a member of the
5 executive branch by the constitution of Montana.

6 ~~(19)~~(17) "System" means the Montana university system.

7 ~~(20)~~(18) "Teacher" means any person, except a district
8 superintendent, who holds a valid Montana teacher
9 certificate that has been issued by the superintendent of
10 public instruction under the provisions of this title and
11 the policies adopted by the board of public education and
12 who is employed by a district as a member of its
13 instructional, supervisory, or administrative staff. This
14 definition of a teacher shall also include any person for
15 whom an emergency authorization of employment of such person
16 has been issued under the provisions of 20-4-111.

17 ~~(21)~~(19) "Textbook" means a book or manual used as a
18 principal source of study material for a given class or
19 group of students.

20 ~~(22)~~(20) "Textbook dealer" means any party, company,
21 corporation, or other organization selling, offering to
22 sell, or offering for adoption textbooks to districts in the
23 state of Montana.

24 ~~(23)~~(21) "Trustees" means the governing board of a
25 district.

1 ~~{24}~~(22) "University" means the university of Montana,
2 located at Missoula.

3 ~~{25}~~(23) "Vocational education" means the instruction
4 to prepare or improve the pupil for gainful employment that
5 does not require a baccalaureate or higher degree. This
6 definition of vocational education shall include guidance
7 and prevocational, related, or technical instruction
8 necessary to prepare the pupil for further vocational
9 education or for entry into employment.

10 (24) "Vocational-technical center" means an institution
11 used principally for the provision of vocational-technical
12 education to persons who qualify as vocational-technical
13 students. These centers are designated by the board of
14 regents upon direction by the legislature. All other public
15 or private institutions or schools are hereby prohibited
16 from using this title.

17 (25) "Vocational-technical education" means
18 vocational-technical education of vocational-technical
19 students that is conducted by a vocational-technical center,
20 a unit of the Montana university system, or a community
21 college as designated by the board of regents."

22 Section 8. Section 20-3-103, MCA, is amended to read:

23 "20-3-103. Deputy superintendent -- staff. (1) The
24 state superintendent of public instruction shall appoint a
25 deputy who, in the absence of the principal or in the case

1 of vacancy in his office, shall perform all the duties of
2 office until such disability be removed or vacancy be
3 filled. Such deputy shall subscribe, take, and file the oath
4 of office provided by law for other state officers before
5 entering upon the performance of his duties.

6 (2) The superintendent of public instruction shall
7 have the power to employ, organize, and administer a staff
8 of personnel to assist him in the administration of the
9 duties and services of the office. In organizing his staff,
10 the superintendent of public instruction shall employ:

11 (a) a supervisor of physical education who is a
12 graduate of an accredited institution of higher education
13 with a master's degree in physical education;

14 (b) a professional staff for the state supervision and
15 administration of K-12 vocational education; and

16 (c) a special education supervisor who is a graduate
17 of an accredited institution of higher education with a
18 master's degree in a field of special education for the
19 mentally retarded or physically handicapped and who has not
20 less than 2 years' experience in special education."

21 Section 9. Section 20-3-106, MCA, is amended to read:

22 "20-3-106. Supervision of schools -- powers and
23 duties. The superintendent of public instruction has the
24 general supervision of the public schools and districts of
25 the state, and he shall perform the following duties or acts

1 in implementing and enforcing the provisions of this title:

2 (1) resolve any controversy resulting from the
3 proration of costs by a joint board of trustees under the
4 provisions of 20-3-362;

5 (2) issue, renew, or deny teacher certification and
6 emergency authorizations of employment;

7 (3) negotiate reciprocal tuition agreements with other
8 states in accordance with the provisions of 20-5-314;

9 (4) serve on the teachers' retirement board in
10 accordance with the provisions of 2-15-1010;

11 (5) approve or disapprove the orders of a high school
12 boundary commission in accordance with the provisions of
13 20-6-311;

14 (6) approve or disapprove the opening or reopening of
15 a school in accordance with the provisions of 20-6-502,
16 20-6-503, 20-6-504, or 20-6-505;

17 (7) approve or disapprove school isolation within the
18 limitations prescribed by 20-9-302;

19 (8) generally supervise the school budgeting
20 procedures prescribed by law in accordance with the
21 provisions of 20-9-102 and prescribe the school budget
22 format in accordance with the provisions of 20-9-103 and
23 20-9-506;

24 (9) establish a system of communication for
25 calculating joint district revenues in accordance with the

1 provisions of 20-9-151;

2 (10) approve or disapprove the adoption of a district's
3 emergency budget resolution under the conditions prescribed
4 in 20-9-163 and publish rules for an application for
5 additional state aid for an emergency budget in accordance
6 with the approval and disbursement provisions of 20-9-166;

7 (11) generally supervise the school financial
8 administration provisions as prescribed by 20-9-201(2);

9 (12) prescribe and furnish the annual report forms to
10 enable the districts to report to the county superintendent
11 in accordance with the provisions of 20-9-213(5) and the
12 annual report forms to enable the county superintendents to
13 report to the superintendent of public instruction in
14 accordance with the provisions of 20-3-209;

15 (13) approve, disapprove, or adjust an increase of the
16 average number belonging (ANB) in accordance with the
17 provisions of 20-9-313 and 20-9-314;

18 (14) distribute state equalization aid in support of
19 the foundation program in accordance with the provisions of
20 20-9-342, 20-9-346, and 20-9-347;

21 (15) distribute state impact aid in accordance with the
22 provisions of 20-9-304;

23 (16) provide for the uniform and equal provision of
24 transportation by performing the duties prescribed by the
25 provisions of 20-10-112;

(17) approve or disapprove an adult education program for which a district proposes to levy a tax in accordance with the provisions of 20-7-705;

(18) request, accept, deposit, and expend federal moneys in accordance with the provisions of 20-9-603;

(19) authorize the use of federal moneys for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

(20) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

(21) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related days in accordance with the provisions of 20-1-303 and 20-1-304;

(22) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with such standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

(23) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

(24) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(25) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(26) as the governing agent and executive officer of the state of Montana for K-12 vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

~~{27}-consider-applications-for--the--designation--of--a postsecondary-vocational-technical-center-in-accordance-with the-provisions-of-20-7-311;~~

~~{28}-establish-a-fund-for-the-handling-of-postsecondary vocational-technical--center--fees--in--accordance--with-the provisions-of-20-7-333;~~

~~{29}~~(27) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

~~{30}~~(28) administer the traffic education program in accordance with the provisions of 20-7-502;

~~{31}~~(29) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

~~{32}~~(30) review school building plans and specifications in accordance with the provisions of 20-6-622;

~~{33}~~(31) prescribe the method of identification and

1 signals to be used by school safety patrols in accordance
2 with the provisions of 20-1-408; and

3 ~~(34)~~(32) perform any other duty prescribed from time to
4 time by this title, any other act of the legislature, or the
5 policies of the board of public education."

6 Section 10. Section 20-6-501, MCA, is amended to read:

7 "20-6-501. Definition of various schools. As used in
8 this title, unless the context clearly indicates otherwise,
9 the term "school" means an institution for the teaching of
10 children that is established and maintained under the laws
11 of the state of Montana at public expense. The trustees of
12 any district shall designate the grade assignments for the
13 schools of the district, but for the purposes of this title
14 each school shall be known as:

15 (1) an elementary school when it comprises the work of
16 any combination of kindergarten, other preschool programs,
17 or the first eight grades or their equivalents. A middle
18 school is a school comprising the work of grades 4 through 8
19 or any combination thereof that has been accredited as a
20 middle school under the provisions of 20-7-102. When an
21 accredited junior high school or an accredited 6-year high
22 school is operated by the district, grades 7 and 8 or their
23 equivalents shall not be considered as elementary grades.

24 (2) a high school when it comprises the work of one or
25 more grades of schoolwork or their equivalents intermediate

1 between the elementary schools and the institutions of
2 higher education of the state of Montana. Types of high
3 schools shall be designated as follows:

4 (a) a junior high school is a school comprising the
5 work of grades 7 through 9 or their equivalents that has
6 been accredited as a junior high school under the provisions
7 of 20-7-102;

8 (b) a senior high school is a school which comprises
9 the work of grades 10 through 12 or their equivalents and
10 which is operated in conjunction with a junior high school;

11 (c) a 6-year high school is a school comprising the
12 work of grades 7 through 12 or their equivalents that has
13 been accredited as a 6-year high school under the provisions
14 of 20-7-102;

15 (d) a 4-year high school is a school comprising the
16 work of grades 9 through 12 or their equivalents;

17 (e) a county high school is a 4-year high school
18 operated as an agency of county government and established
19 under the provisions of the acts of March 3, 1899, March 14,
20 1901, and any subsequent amendments thereto;

21 ~~(f) a postsecondary vocational technical center~~
22 ~~established under the provisions of 20-7-311.~~"

23 Section 11. Section 20-7-301, MCA, is amended to read:

24 "20-7-301. Duties of the superintendent of public
25 instruction. The superintendent of public instruction shall

1 be the governing agent and executive officer of the state of
 2 Montana for K-12 vocational education. The superintendent of
 3 public instruction shall adopt and administer policies to
 4 effect the orderly development of a system of K-12
 5 vocational education that is adaptable to changing needs,
 6 controlled to prevent unnecessary duplication, coordinated
 7 with federal guidelines and requirements for vocational
 8 education, and funded to ensure growth and quality
 9 programming. In order to accomplish the orderly development
 10 of a system of K-12 vocational education, the superintendent
 11 of public instruction policies shall include:

12 (1) a state plan for such development;

13 (2) standards for K-12 vocational education courses
 14 and programs;

15 ~~{3}--the-----minimum-----requirements-----for-----granting~~
 16 ~~postsecondary-vocational-technical-certificates-to-students;~~

17 ~~{4}{3}~~ a review process for the establishment and
 18 deletion of programs;

19 ~~{5}--the--necessary-qualifications-that-a-postsecondary~~
 20 ~~vocational-technical-center-director-must-possess;~~

21 ~~{6}{4}~~ instructor qualifications for K-12 vocational
 22 education courses and programs;

23 ~~{7}{5}~~ criteria for approval of K-12 vocational
 24 education courses and programs which--are--to--receive
 25 financial-assistance;

1 ~~{8}--criteria----for----receiving,----reviewing,----and~~
 2 ~~transmitting-----recommendations-----on-----postsecondary~~
 3 ~~vocational-technical--center--operations-and-budget-requests~~
 4 ~~to-the-legislature;~~

5 ~~{9}{6}~~ a basis for apportionment of all moneys
 6 appropriated by the legislature for K-12 vocational
 7 education in accordance with the intent of the legislature
 8 as reflected in the terms of the appropriation;

9 ~~{10}{7}~~ a basis for apportionment of all moneys
 10 received by the state of Montana for K-12 vocational
 11 education from the federal government in accordance with the
 12 acts of congress;

13 ~~{11}{8}~~ a system of evaluation of K-12 vocational
 14 education which allows for consideration of the current and
 15 projected manpower needs and job opportunities; and

16 ~~{12}--the---tuition--and--fees--to--be--charged--at--the~~
 17 ~~postsecondary--vocational-technical--centers,---based---upon~~
 18 ~~legislative--appropriations--available-to-the-superintendent~~
 19 ~~of-public-instruction-for-postsecondary-vocational-technical~~
 20 ~~centers;~~

21 ~~{13}--the-allowable-costs-for-rental--of--buildings--for~~
 22 ~~postsecondary-vocational-technical-center-purposes;~~

23 ~~{14}--guidelines--for--the--authority--delegated--by--the~~
 24 ~~superintendent-of-public-instruction--to--the--local--school~~
 25 ~~district---board---of--trustees--operating--a--postsecondary~~

1 vocational-technical-center; and

2 (15)(9) any other policy not inconsistent with public
3 law and which is necessary for the proper operation of a
4 system of K-12 vocational education."

5 Section 12. Section 20-7-302.1, MCA, is amended to
6 read:

7 "20-7-302.1. State director of K-12 vocational
8 education -- duties. There is a state director of K-12
9 vocational education appointed by the superintendent of
10 public instruction. He must:

11 (1) administer the K-12 vocational education policies
12 adopted by the superintendent of public instruction;

13 (2) prepare curriculum guides for superintendent of
14 public instruction adoption;

15 (3) employ, with the confirmation of the
16 superintendent of public instruction, the professional staff
17 necessary for the state supervision and administration of
18 K-12 vocational education;

19 (4) report the status of K-12 vocational education in
20 the state of Montana when requested by the superintendent of
21 public instruction;

22 (5) keep all K-12 vocational education records in his
23 office;

24 (6) provide K-12 vocational education supervisory and
25 consultative assistance to districts;

1 (7) provide a postsecondary vocational-technical
2 center-system-policy-and-procedural-handbook-for
3 institutional-operations-that-will-standardize-operations
4 among-the-centers;

5 (8) identify-and-direct-the-county-treasurer-in-those
6 counties-where-postsecondary-vocational-technical-centers
7 are-located-to-establish-the-necessary-multifund-structures
8 for-postsecondary-vocational-technical-center-financial
9 operations;

10 (9) meet-with-the-chairman-of-the-board-of-trustees,
11 district-superintendent,--and-center-director--of--each
12 postsecondary-vocational-technical-center--at--least--twice
13 each--year--to--discuss--recommended--changes--in--the
14 superintendent--of--public--instruction's--policies--and
15 procedures;

16 (10) formulate--and--put--into--effect--uniform-fiscal,
17 student,--staff,--and--program--accounting--systems--for--the
18 postsecondary-vocational-technical-centers;

19 (11)(7) prepare any necessary reports for the
20 superintendent of public instruction or the legislature; and

21 (12) represent-the--postsecondary--vocational-technical
22 center--system--to--state-agencies,--associations,--and--others
23 when-appropriate;

24 (13) recommend-a-staffing-pattern-for-the-postsecondary
25 vocational-technical-centers;

1 ~~{14}-provide--for--the--evaluation--of--programs---and~~
 2 ~~services---within--each--postsecondary--vocational-technical~~
 3 ~~center;~~

4 ~~{15}-provide--for--evaluation--of--each---postsecondary~~
 5 ~~vocational-technical-center's-ability-to-meet-employment-and~~
 6 ~~student-vocational-technical-education-needs;-and~~

7 ~~{16}{8}~~ perform any other duty assigned by the
 8 superintendent of public instruction."

9 Section 13. Section 20-7-303, MCA, is amended to read:

10 "20-7-303. ~~District--authorization~~ Authorization to
 11 establish and maintain vocational education courses and
 12 programs. The trustees of any an elementary or high school
 13 ~~district,community-college-district,or-unit-of-the-Montana~~
 14 ~~university--system~~ may establish and maintain a vocational
 15 education course or program that complies with the K-12
 16 vocational education standards adopted by the superintendent
 17 of public instruction. In order for a course or program to
 18 be eligible for state or federal financing, it shall be
 19 approved by the superintendent of public instruction for
 20 compliance with K-12 vocational education standards."

21 Section 14. Section 20-7-311, MCA, is amended to read:

22 "20-7-311. ~~Postsecondary-----vocational-technical~~
 23 Vocational-technical center designation. (1) ~~Postsecondary~~
 24 ~~vocational-technical~~ Vocational-technical centers shall be
 25 designated by the ~~superintendent-of-public-instruction-only~~

1 board of regents upon direction of the legislature.
 2 ~~Applications-for-designation-must-be-made-in-accordance-with~~
 3 ~~the-following-procedure:~~

4 ~~{a}--The--trustees--of--any--high-school-district,of-a~~
 5 ~~county-high-school,of-a-community-college-district,or--the~~
 6 ~~governing-board-of-any-unit-of-the-Montana-university-system~~
 7 ~~may-submit-an-application-for-designation-of-a-postsecondary~~
 8 ~~vocational-technical--center-to-be-operated-by-such-trustees~~
 9 ~~or-governing-board;--The-application-for-designation-shall-be~~
 10 ~~submitted-in--accordance-with--the--time,--data,--and--form~~
 11 ~~requirements--prescribed--by--the--superintendent--of-public~~
 12 ~~instruction;--Applicant-high-school--districts,--county--high~~
 13 ~~schools,--or-community-college-districts-shall-be-located-in~~
 14 ~~a-county-with-a-taxable-valuation-of-at-least--\$45--million;~~

15 ~~{b}--Applications---are---to---be---presented---to--the~~
 16 ~~superintendent-of-public-instruction;--The-superintendent-of~~
 17 ~~public-instruction-shall-examine-the-application--and--draft~~
 18 ~~recommendations;--The---application,---together---with---all~~
 19 ~~recommendations,--shall-be-presented-by-the-superintendent-of~~
 20 ~~public-instruction-to-the-next-following-legislature;~~

21 (2) The ~~superintendent-of-public-instruction~~ board of
 22 regents shall recognize the ~~presently---designated~~
 23 postsecondary vocational-technical centers ~~operated--by--the~~
 24 ~~respective--board--of--trustees--of~~ designated prior to [the
 25 effective date of this act] in school district number 1 of

Silver Bow County, high school district number 1 of Lewis and Clark County, high school district "A" of Cascade County, Missoula County high school, and high school district number 2 of Yellowstone County."

Section 15. Section 20-7-312, MCA, is amended to read:

"20-7-312. Local administration of vocational-technical center. (1) Subject to the requirements of the laws of the state of Montana and the policies and rules of the superintendent--of--public--instruction--as administered--by--the--state--director--of--vocational--education--the--board--of--trustees--operating--a--postsecondary board of regents, the director of a vocational-technical center has administrative and supervisory control of the center and shall:

{a}--employ,--from--among--qualified--applicants,--a postsecondary-vocational-technical-center-director;

{b}(a) employ administrative personnel,--faculty members,--and--employees for the postsecondary vocational-technical center according to the policies and procedures rules of the board of trustees regents;

{c}(b) recommend, develop, and submit budgets a recommended budget for the postsecondary vocational-technical centers center;

{d}(c) establish-and collect student tuition and fees;

{e}(d) recommend to the superintendent--of--public

instruction--through--the--state--director--of--vocational education board of regents:

(i) proposals regarding postsecondary vocational-technical center programs, budgets, student services, and public service activities; and

(ii) campus development and program plans for individual postsecondary vocational-technical center buildings;

{f}(e) manage buildings erected-and-equipped-on-leased grounds at the vocational-technical center;

{g}(f) receive and administer gifts and bequests to the postsecondary vocational-technical center according to a written plan submitted to the superintendent--of--public instruction board of regents; and

{h}(g) perform any other administrative responsibilities duties not inconsistent with law and required by the superintendent-of-public-instruction board of regents.

(2) The board-of--trustees--operating director of a postsecondary vocational-technical center may not enter into any contract that in any way creates a debt or obligation upon the state for the improvement or construction of postsecondary vocational-technical center buildings on leased-property."

Section 16. Section 20-7-314, MCA, is amended to read:

"20-7-314. Lease or purchase of state property for postsecondary vocational-technical center purposes. (1) The state of Montana, acting by and through the superintendent of public instruction, is hereby empowered and authorized to enter into a board of regents, may lease, agreement for a term not to exceed 40 years, in order to lease to a district operating a postsecondary vocational-technical center any building or lands owned by the state and financed in whole or in part by an appropriation made by the legislature of the state of Montana for the purpose of supporting the district's postsecondary a vocational-technical center. The consideration necessary to support such a lease may be nominal.

(2) The superintendent of public instruction is hereby authorized to transfer or direct transfer of title held by the state of Montana in buildings or lands financed in whole or in part by an appropriation by the state legislature to a district operating a postsecondary vocational-technical center, at any time the superintendent of public instruction deems such transfer to be in the best interests of both the state and the district involved, provided that this authorization extends only to buildings or lands which are to be used by the district for postsecondary vocational-technical education purposes. The state of Montana, acting through the board of regents and on demand

of a school district, shall lease or purchase the equity or interest of the school district in any building, land, or other property at a vocational-technical center on terms agreed to between the board of regents and the school district. A purchase may be by lump-sum payment, time payments, the assumption of bonded indebtedness, or any other mutually agreeable method. Money received by a school district from the lease or sale under this subsection (2) of the school district's equity or interest in a building, land, or other property must be credited to the debt service fund, building fund, general fund, or any combination of these funds, at the discretion of the trustees of the school district."

Section 17. Section 20-7-322, MCA, is amended to read:

"20-7-322. State treasurer custodian of vocational education moneys money. (1) The treasurer of the state of Montana is hereby designated as the custodian of all federal and state moneys money designated, appropriated, or apportioned for vocational education. All moneys money received from any federal or state source for the establishment, operation, or furtherance of vocational education in the state shall be deposited with the state treasurer. At the direction of the superintendent of public instruction, he shall disburse all moneys appropriated or money received for K-12 vocational education. At the

direction of the board of regents, he shall disburse all money received for vocational-technical education AND FOR VOCATIONAL EDUCATION OTHER THAN K-12 VOCATIONAL EDUCATION.

(2) The state treasurer is the treasurer for all postsecondary vocational-technical centers, and all money received by postsecondary vocational-technical centers from any source shall be deposited in the state treasury pursuant to 17-6-105, unless the source of the money specifies deposit somewhere other than in the state treasury."

Section 18. Section 20-7-324, MCA, is amended to read:

"20-7-324. Sources of financing for postsecondary vocational-technical center budgets -- superintendent-of-public-instruction-administration distribution of funds. (1) The total of the budgets approved by the superintendent--of-public--instruction board of regents shall constitute the total maximum approved statewide vocational-technical center system budget which shall be financed as follows:

(a) The primary source of financing is to be those funds specifically designated by legislative enactment or referendum by the people for financing postsecondary vocational-technical education in Montana.

(b) The board of county commissioners of each county in which--a--designated--postsecondary--vocational-technical center-is-located IN WHICH A DESIGNATED VOCATIONAL-TECHNICAL CENTER IS LOCATED shall levy a tax in each calendar year of

1-1/2 3 1 1/2 mills on the dollar of all taxable property, real and personal, within the county TO RAISE THE AMOUNT APPROPRIATED BY THE LEGISLATURE for the support and maintenance of the postsecondary vocational-technical center located-within-the-county system. THE TAX IS TO BE EFFECTIVE FOR THE--TAXABLE--YEAR PROPERTY TAX YEARS BEGINNING ON OR AFTER JANUARY 1, 1988 1987. IT IS THE INTENT OF THIS SUBSECTION (1)(B) THAT THE COUNTY COMMISSIONERS SHALL LEVY THIS TAX FOR FISCAL YEAR 1988 OPERATION OF THE VOCATIONAL-TECHNICAL SYSTEM AND THEREAFTER.

(c) Designated postsecondary vocational-technical centers shall be eligible to receive such funds from the federal government as the superintendent--of--public instruction board of regents may provide pursuant to applicable acts of congress.

(d)--The--board--of--trustees--of--any--designated-high school-district-or--county--high--school--district--where--a postsecondary--vocational-technical-center-is-located--may-be required--as--a--condition--for--the--construction--in--that district--of--a--postsecondary-vocational-technical-center,--or any-part--thereof,--to--furnish--up--to--50%--of--the--amount--of funds--required--for--any--such--construction--The--percentage--of construction--funds--to--be--furnished--by--the--designated district--shall--be--derived,--in--whole--or--in--part,--from--any--of the--following--sources:

1 ~~{i}--the sale of bonds issued by--that--district--{such~~
 2 ~~bonds shall be issued in conformity with the requirements of~~
 3 ~~chapter--9, part 4, of this title in the case of high school~~
 4 ~~and county high school district};~~

5 ~~{ii}--any other funds available to that--district--which~~
 6 ~~may---be---legally---and---properly---applied---toward---such~~
 7 ~~construction;~~

8 ~~{iii}--the--reasonable---value---of---land,---buildings,~~
 9 ~~fixtures,--or--equipment furnished by that district, subject~~
 10 ~~to the approval of the superintendent of public instruction;~~

11 (2) The superintendent of public instruction board of
 12 regents shall direct the distribution of the funds specified
 13 in subsections--~~{i}{a}~~--through--~~{i}{c}~~ subsection (1) on the
 14 basis of the budgets approved by the superintendent--of
 15 public instruction board of regents. The funds earned by the
 16 mill levy specified in subsection (1)(b) shall be credited
 17 to the postsecondary vocational-technical center account in
 18 the unrestricted subfund of the current fund in the state
 19 treasury.

20 ~~{3}--The superintendent--of--public--instruction--shall~~
 21 ~~determine--the amount of financing available from these four~~
 22 ~~sources of revenue and may approve budgets for--instruction,~~
 23 ~~plant--operations--and--maintenance, equipment, and support.~~
 24 ~~The aggregate amount of--the--budgets--so--approved--by--the~~
 25 ~~superintendent--of--public--instruction---for--postsecondary~~

1 ~~vocational-technical centers shall--not--exceed--the--moneys~~
 2 ~~determined to be available."~~

3 Section 19. Section 20-7-325, MCA, is amended to read:
 4 "20-7-325. Postsecondary-----vocational-technical
 5 Vocational-technical center funding -- nongeneral fund money
 6 expended first -- reversion of general fund money. (1)
 7 Whenever---an--approved--postsecondary--vocational-technical
 8 center under the provisions of 20-7-311 is operated within a
 9 district, the trustees of such district The board of regents
 10 shall request the establishment of the appropriate accounts
 11 for the vocational-technical center system in the state
 12 treasury. These accounts shall be established in the
 13 appropriate state treasury funds as determined by the
 14 department of administration. All money prescribed and
 15 received under the provisions of 20-7-324 shall be credited
 16 to these accounts. The expenditure of the money deposited in
 17 the state treasury shall be made in accordance with
 18 procedures established by the department of administration.
 19 Such expenditures shall be made under the budget and for the
 20 programs approved by the superintendent---of---public
 21 instruction board of regents under the--provisions--of
 22 20-7-323 and the financial administration provisions of this
 23 title.

24 (2) A postsecondary vocational-technical center shall
 25 apply expenditures against nongeneral fund money wherever

possible before using state general fund appropriations. All state general fund money appropriated or disbursed to a postsecondary vocational-technical center which are unexpended at fiscal year end shall revert to the state general fund.

~~{3}--The-----approval-----of-----the-----postsecondary vocational-technical-center-budget-and--subsequent--revision or--amendment-of-such-budget-by-the-superintendent-of-public instruction-shall-constitute-the-final-budget-approval--~~

~~{4}--Whenever---the---county---tax---prescribed---in 20-7-324(i)(b)-is-to-be-used-in-support-of-the-postsecondary vocational-technical--center--the--county-commissioners-are authorized-to-levy-such-tax-on-the-county-in-accordance-with the-provisions-of-20-9-142--~~

Section 20. Section 20-7-327, MCA, is amended to read:

"20-7-327. Source of financing for postsecondary vocational-technical center facility maintenance. The source of funds for maintenance, remodeling, and renovation of postsecondary vocational-technical center facilities may be either ~~local-funds~~ federal funds or state funds specifically appropriated by the legislature and approved by the superintendent-of-public-instruction board of regents, or any combination of these funds."

Section 21. Section 20-7-332, MCA, is amended to read:

"20-7-332. Tuition rates. (1) Tuition may be charged

to any resident or nonresident of the state of Montana by the ~~governing---~~ board director of any postsecondary vocational-technical center at rates to be determined by the superintendent-of-public-instruction board of regents AND THE PROVISIONS OF SUBSECTION (3). The ~~superintendent-of public-instruction board of regents~~ shall also prescribe permissible uses for any tuition authorized.

(2) For the purposes of this section the eligibility of a student for resident status shall be determined in the same manner as that prescribed for use by the Montana university system, except that those provisions referring to "high school graduates" or "graduation from high school" shall be considered to refer to a person who has attended school or who was in attendance at a school.

(3) IF AN ADDITIONAL LEVY FOR A CENTER IS APPROVED UNDER [SECTION 27], THE BOARD OF REGENTS MAY CHARGE AN ADDITIONAL TUITION AMOUNT NOT TO EXCEED \$40 A QUARTER TO A STUDENT AT THE CENTER WHO IS A RESIDENT OF MONTANA BUT WHO IS NOT A PROPERTY TAXPAYER OF THE COUNTY OR AN OWNER OF A VEHICLE REGISTERED WITHIN THE COUNTY WHERE THE CENTER IS LOCATED."

Section 22. Section 20-7-333, MCA, is amended to read:

"20-7-333. ~~Pupil~~ Student fees and disposition of collected fees. (1) Fees for the use of equipment and material used in instruction may be charged by the ~~trustees~~

~~or--other--governing--board~~ director of the postsecondary vocational-technical center. The ~~superintendent--of--public instruction~~ board of regents shall prescribe the ~~basis~~ bases and limitations for the charging of such fees.

(2) Fees collected by the postsecondary vocational-technical center shall be deposited with the state treasurer in the fund designated by the ~~superintendent of--public--instruction~~ board of regents for the receipt of such fees. The expenditure of the fees shall not be subject to budget limitations and shall be in addition to the program budgets approved by the ~~superintendent-of-public instruction~~ board of regents."

Section 23. Section 20-9-403, MCA, is amended to read:

"20-9-403. Bond issues for certain purposes. (1) The trustees of a school district may issue and negotiate bonds on the credit of the school district for the purpose of:

(a) building, altering, repairing, buying, furnishing, equipping, purchasing lands for, and/or obtaining a water supply for a school, teacherage, dormitory, gymnasium, other building, or combination of said buildings for school purposes,---including---postsecondary---vocational-technical centers-in-the-school-district;

(b) buying a school bus or buses;

(c) providing the necessary money to redeem matured bonds, maturing bonds, or coupons appurtenant to bonds when

there is not sufficient money to redeem them;

(d) providing the necessary money to redeem optional or redeemable bonds when it is for the best interest of the school district to issue refunding bonds; or

(e) funding a judgment against the district.

(2) Any money realized from the sale of any bonds issued on the credit of a high school district shall not be used for any of the above purposes in an elementary school district, and such money may be used for any of the above purposes for a junior high school but only to the extent that the 9th grade of the high school is served thereby."

Section 24. Section 20-9-513, MCA, is amended to read:

"20-9-513. ~~Postsecondary-----vocational-technical~~ Vocational-technical center and adult basic education programs account established. There is within the state special revenue fund a ~~postsecondary~~ vocational-technical center and adult basic education account. Money is paid into the account under 90-6-211. The state treasurer shall draw warrants payable from this account upon order of the superintendent of public instruction or the board of regents up to the amount provided for each under 90-6-211 by the biennium budget passed by the legislature."

Section 25. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, and workman defined. (1)

1 The terms "employee", "workman", or "worker" mean:

2 (a) each person in this state, including a contractor
3 other than an independent contractor, who is in the service
4 of an employer, as defined by 39-71-117, under any
5 appointment or contract of hire, expressed or implied, oral
6 or written. The terms include aliens and minors, whether
7 lawfully or unlawfully employed, and all of the elected and
8 appointed paid public officers and officers and members of
9 boards of directors of quasi-public or private corporations
10 while rendering actual service for such corporations for
11 pay. Casual employees as defined by 39-71-116(3) are
12 included as employees if they are not otherwise covered by
13 workers' compensation and if an employer has elected to be
14 bound by the provisions of the compensation law for these
15 casual employments, as provided in 39-71-401(2). Household
16 or domestic service is excluded.

17 (b) a recipient of general relief who is performing
18 work for a county of this state under the provisions of
19 53-3-303 through 53-3-305 and any juvenile performing work
20 under authorization of a district court judge in a
21 delinquency prevention or rehabilitation program;

22 (c) a person receiving on-the-job vocational
23 rehabilitation training or other on-the-job training under a
24 state or federal vocational training program, whether or not
25 under an appointment or contract of hire with an employer as

1 defined in this chapter and whether or not receiving payment
2 from a third party. However, this subsection does not apply
3 to students enrolled in vocational training programs as
4 outlined above while they are on the premises of a public
5 school or community college.

6 (d) students enrolled and in attendance in programs of
7 vocational-technical education ~~approved-by-the--state--board~~
8 ~~of---public---education~~ at designated postsecondary
9 vocational-technical centers; or

10 (e) an airman or other person employed as a volunteer
11 under 67-2-105.

12 (2) If the employer is a partnership or sole
13 proprietorship, such employer may elect to include as an
14 employee within the provisions of this chapter any member of
15 such partnership or the owner of the sole proprietorship
16 devoting full time to the partnership or proprietorship
17 business. In the event of such election, the employer must
18 serve upon the employer's insurer written notice naming the
19 partners or sole proprietor to be covered, and no partner or
20 sole proprietor shall be deemed an employee within this
21 chapter until such notice has been given. For premium
22 ratemaking and for the determination of weekly wage for
23 weekly compensation benefits, the insurance carrier shall
24 assume a salary or wage of such electing employee to be not
25 less than \$900 a month and not more than 1 1/2 times the

average weekly wage as defined in this chapter."

Section 26. Section 90-6-211, MCA, is amended to read:

"90-6-211. Disposition of interest from unexpended balance. The unexpended balance in the local impact and education trust fund account shall be invested as provided by statute by the board of investments. Of the income from such investments each year 10% shall be paid into the state special revenue fund for use by the superintendent of public instruction for purposes of the ~~postsecondary vocational-technical centers and adult basic education~~ programs in the state, subject to the budgeting authority of the legislature and for use by the board of regents for vocational-technical center education programs in the state, as provided in the biennium budget passed by the legislature. Within the account under 20-9-513, the revenue is shared between the ~~postsecondary vocational-technical centers and the adult basic education programs~~ as provided in the biennium budget passed by the legislature. Of the remaining 90% of the income from such investments, three-fourths shall be annually paid into the state special revenue fund for state equalization aid to public schools of the state and one-fourth each year shall be paid to the board of regents of higher education for use by the institutions of higher learning in the state, subject to the budgeting authority of the legislature. Except as provided

in 90-6-205(5), the principal of the local impact and education trust fund shall be dedicated to education and forever remain inviolate and sacred to this purpose as provided in sections 3 and 10 of Article X of the Montana constitution."

NEW SECTION. SECTION 27. ADDITIONAL LEVY BY SCHOOL DISTRICT -- PROCEDURE. (1) FOR SCHOOL FISCAL YEARS 1988 AND 1989, THE TRUSTEES OF A SCHOOL DISTRICT THAT OPERATED A VOCATIONAL-TECHNICAL CENTER PRIOR TO JULY 1, 1987, MAY PROPOSE TO THE BOARD OF REGENTS THAT A BUDGET FOR SALARIES, BENEFITS, OPERATIONS, AND EQUIPMENT BE ADOPTED FOR THE CENTER IN EXCESS OF THE AMOUNT APPROPRIATED BY THE LEGISLATURE.

(2) IF THE BOARD OF REGENTS APPROVES OF A BUDGET FOR A CENTER IN EXCESS OF THE APPROPRIATED AMOUNT, THE TRUSTEES OF THE DISTRICT THAT OPERATED THE CENTER SHALL SUBMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT, PURSUANT TO 20-20-301 AND IN THE MANNER PRESCRIBED BY 20-9-353, A PROPOSITION FOR AN ADDITIONAL LEVY FOR THE ADDITIONAL FUNDING. WHEN THE PROPOSITION IS PRESENTED TO THE ELECTORATE, THE PROPOSITION MUST BE PRESENTED AS A SEPARATE ISSUE ON THE BALLOT.

(3) IF A PROPOSITION FOR AN ADDITIONAL LEVY FOR A VOCATIONAL-TECHNICAL CENTER IS APPROVED BY THE ELECTORATE, THE BOARD OF REGENTS SHALL REQUEST THE ESTABLISHMENT OF AN INDIVIDUAL ACCOUNT FOR THE CENTER IN THE STATE TREASURY AS

DETERMINED BY THE DEPARTMENT OF ADMINISTRATION. THE FUNDS IN EACH CENTER ACCOUNT ARE AVAILABLE APPROPRIATED FOR APPROVED EXPENDITURES FOR THE CENTER. AFTER JULY 1, 1989, ANY UNEXPENDED FUNDING IN A CENTER ACCOUNT MUST BE RETURNED TO THE SCHOOL DISTRICT THAT REQUESTED THE ADDITIONAL FUNDING.

(4) FOR SCHOOL FISCAL YEAR 1988, IF THE TRUSTEES OF A SCHOOL DISTRICT THAT OPERATED A VOCATIONAL-TECHNICAL CENTER PRIOR TO JULY 1, 1987, HAVE ADOPTED A BUDGET IN EXCESS OF THAT APPROPRIATED BY THE LEGISLATURE AND HAVE SUBMITTED THE PROPOSITION FOR AN ADDITIONAL LEVY TO THE QUALIFIED ELECTORS OF THE DISTRICT AND IF THE ELECTORS HAVE APPROVED THE PROPOSITION AS PROVIDED FOR IN FORMER 20-7-326, THE TRUSTEES NEED NOT SUBMIT THE PROPOSITION TO THE ELECTORS AT AN ADDITIONAL ELECTION FOLLOWING APPROVAL OF THE BUDGET BY THE BOARD OF REGENTS AS PROVIDED FOR IN SUBSECTION (2).

NEW SECTION. SECTION 28. VOCATIONAL-TECHNICAL CENTER EQUIPMENT. THE EQUIPMENT OF A VOCATIONAL-TECHNICAL CENTER DESIGNATED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] MAY NOT BE TRANSFERRED FROM THE CENTER FOR 2 YEARS WITHOUT CONSENT OF THE SCHOOL DISTRICT BOARD OF TRUSTEES THAT OPERATED THE CENTER PRIOR TO [THE EFFECTIVE DATE OF THIS ACT].

NEW SECTION. SECTION 29. REPORT BY BOARD OF REGENTS. THE BOARD OF REGENTS SHALL REPORT TO THE 51ST LEGISLATURE ON THE FOLLOWING CONCERNS:

(1) A PLAN FOR REORGANIZATION OF THE DELIVERY SYSTEM

FOR ALL POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION IN MONTANA;

(2) A LONG-TERM PLAN FOR ACHIEVING HIGH QUALITY VOCATIONAL-TECHNICAL PROGRAMS AT THE VOCATIONAL-TECHNICAL CENTERS THROUGH THE POSSIBILITY OF PROGRAM SPECIALIZATION AT EACH CENTER;

(3) THE FEASIBILITY AND APPROPRIATENESS OF CLOSURE OF ONE OR MORE OF THE VOCATIONAL-TECHNICAL FACILITIES;

(4) A PLAN FOR ELIMINATION OF PROGRAMS THAT SERVE FEW STUDENTS;

(5) A PLAN FOR CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS OF THE INDIVIDUAL CENTERS WHICH COULD RESULT IN COST SAVINGS AND MORE EFFICIENT OPERATIONS; AND

(6) THE FEASIBILITY OF CONSOLIDATING POSTSECONDARY VOCATIONAL-TECHNICAL FACILITIES AND STAFF WITH NEARBY UNITS OF THE UNIVERSITY SYSTEM.

NEW SECTION. SECTION 30. APPROPRIATION. THERE IS APPROPRIATED \$1,454,690 FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT FUNDED BY 15-35-108(3)(B) TO THE BOARD OF REGENTS FOR THE FISCAL BIENNIUM ENDING JUNE 30, 1989, TO BE USED TO OPERATE THE VOCATIONAL-TECHNICAL CENTERS.

NEW SECTION. Section 31. Repealer. Sections 20-7-304, 20-7-313, 20-7-323, 20-7-326, AND 20-7-331, 28-9-404,--and 28-9-405, MCA, are repealed.

NEW SECTION. Section 32. Extension of authority. Any

1 existing authority of the superintendent of public
2 instruction to make rules on the subject of the provisions
3 of this act is extended to the provisions of this act.

4 NEW SECTION. Section 33. Codification instructions.
5 (1) Sections 1 through 5 AND 27 are intended to be codified
6 as an integral part of Title 20, and the provisions of
7 Title 20 apply to sections 1 through 5 AND 27.

8 (2) Sections 20-7-311, 20-7-312, 20-7-314, 20-7-322,
9 20-7-324, 20-7-325, 20-7-327, 20-7-332, and 20-7-333 are
10 intended to be renumbered and codified as an integral part
11 of a new chapter in Title 20 on the governance of
12 vocational-technical centers.

13 NEW SECTION. Section 34. Code commissioner name
14 change. In all sections of the Montana Code Annotated not
15 contained in this act and in all provisions passed by the
16 50th legislature wherein reference is made to a
17 postsecondary vocational-technical center, the code
18 commissioner shall change the reference to
19 vocational-technical center.

20 NEW SECTION. Section 35. Effective date. This act is
21 effective July 1, 1987.

-End-